



Parliament and Government in Queensland

LEVEL 3

QUEENSLAND PARLIAMENT



Queensland University of Technology
Brisbane Australia



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Foreword

Queensland Parliament House

Brisbane Queensland



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The Three Levels of Government

There are three levels of government in Australia – local, state and federal.



The Three Levels of Government

QUICK LINKS

1. [Federal Level of Government](#)
2. [State Level of Government](#)
3. [Local Level of Government](#)

There are three levels of government in Australia – local, state and federal. Each level of government has its own set of elected representatives and is responsible for the provision of different services for the people. The [Australian Constitution](#) sets out the division of powers and responsibilities between the federal and state governments, and the state constitutions provide for local government.

Australia, like Canada, the United States of America and Switzerland, is a federation. Prior to federation, Queensland, New South Wales, Victoria, Tasmania, South Australia and Western Australia were all self-governing colonies within the British Commonwealth. In 1901, the colonies agreed to form a federation known as the Commonwealth of Australia. Under this agreement they attained statehood and independence in relation to a range of matters and the new federal Parliament gained responsibility for a significant number of matters previously the responsibility of the individual colonies.

Australia has a Constitution designed to protect the autonomy of the states and cede only particular and limited powers to the federation. It does this under section 51 of the Constitution by prescribing the powers of the federal Parliament with the residual powers left to the states.

Under section [109 of the Australian Constitution](#), if the federal Parliament and a state Parliament both pass inconsistent laws about an area where there is concurrent power, the federal law shall prevail.

Federal Level of Government

At a federal level, there are two [Houses of Parliament](#) – the [House of Representatives](#) and the [Senate](#). The House of Representatives has 150 Members. Each member represents a single member electorate. They are elected for terms of up to three years using the compulsory preferential voting method. The party, or coalition of parties, that holds the majority seats in the House of Representatives forms the Government. The leader of the governing party in the House of Representatives becomes the Prime Minister.

When the [Australian Constitution](#) was framed, it was intended that the interests of the less populous states would be protected by providing all states with equal representation in the Senate. Currently there are 76 Senators, 12 from each of the six states and two from each of the mainland territories. Proportional representation voting is used to elect Senators. The Constitution provides for a continuing, but rotating, Senate membership. Therefore, Senators are elected for six years, with half the Senators elected every three years. The exception to this system is the Senators representing Australia's two territories. They are elected to serve the same term of office as that of the Members of the House of Representatives.

The powers of the Commonwealth Parliament are set out in [Part V of the Australian Constitution](#). Some of the powers granted to the Commonwealth are exclusive. The main powers are

- the power to levy customs and excise duties,
- the power to coin money, and
- the power to initiate referendums for constitutional change.

Apart from the exclusive powers, most of the powers granted by the Constitution to the Commonwealth are shared concurrently with the states.

[Section 51](#) outlines the powers that the Commonwealth shares with the states. Powers not listed in [section 51](#) are known as residual powers and those powers reside with the states. Some of the shared powers set out in section 51 are:

- | | |
|---------|---|
| 51(i.) | Interstate and international trade and commerce |
| 51(ii.) | Taxation; but so as not to discriminate between States or parts of States |
| 51(v.) | Post and telephone |
| 51(vi.) | Defence |
| 51(ix.) | Quarantine |
| (x.) | Fisheries beyond territorial limits |

- (xii.) Currency, coinage, and legal tender
- 51(xiii.) Banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money
- 51(xx.) Foreign trading or financial corporations
- 51(xxi.) Marriage
- 51(xxii.) Divorce and custody
- 51(xxiii.) Pensions and benefits
- 51(xxvii.) Immigration and emigration
- 51(xxix.) External affairs
- 51(xxxv.) Conciliation and arbitration of industrial disputes extending beyond a State.

Other sections of the Constitution prohibit the States from, e.g., raising armed forces or discriminating against the residents of other States.

State Level of Government

The Premier is the leader of a state government and the Chief Minister is the leader of a territory government. Members of the State Parliament are elected to represent the people of each state. State and territory governments raise revenue in the form of state taxes and charges. However, the majority of revenue expended by the states comes from Commonwealth taxes and charges.

The legislative authority of the state parliaments is defined broadly. [Section 2 of the Constitution Act 1867](#) (Qld) authorises the Queensland Parliament “... to make laws for the peace, welfare and good government of the colony in all cases whatsoever”. These broad powers were confirmed by the [Australia Act 1986](#) (Cwlth), which declared that the legislative powers of each state parliament “... include full power to make laws for the peace, order and good government of that State”.

Under [Section 107 of the Australian Constitution](#), the states are given residual powers. In other words, anything that is not specifically listed as an exclusive power of the Commonwealth - or “incidental” to something specifically mentioned - is within the ambit of the states.

Some of the services that state governments are responsible for include:

- Education
- Public health
- Hospitals
- Railways and public transport
- Roads
- Mining and agriculture
- Law courts
- Police
- Fire brigades and ambulance services
- Forestry, conservation and water control
- Local Government

Local Level of Government

Although local government is not specifically mentioned in the federal Constitution, it is recognised in all the state constitutions. Queensland's system of local government is dealt with in [Chapter 7 of the Constitution of Queensland 2001](#). It states that there must be a system of local government in Queensland and specifies the requirements for local governments. It also provides procedures for consultation and for the dissolution of local governments. The actual system of local government is established by other acts of parliament, principally the [Local Government Act 2009](#).

Section 20 of the [Local Government Act 2009](#) provides local governments with a law-making role for local laws and an executive role for the adoption and implementation of policy, the administration of local government and the enforcement of local laws.

Section 123 of the [Local Government Act 2009](#) provides the State Government Minister with portfolio responsibility for local government with powers to recommend that the Governor-in-Council dissolve a local government if:

- (a) the Local Government Remuneration and Discipline Tribunal recommends under section 180 of the *Local Government Act 2009* that every councillor be suspended or dismissed; or
- (b) the Minister reasonably believes that a local government has seriously or continuously breached the local government principles; or
- (c) the Minister reasonably believes that a local government is incapable of performing its responsibilities.

The [Constitution of Queensland 2001](#), chapter 7, part 2, contains procedural limitations on the dissolution of local government.

The role of local government authorities varies considerably from state to state. The structure, functions and other aspects of local government can be changed by state government legislation. Some services provided by local authorities in Queensland include:

- Town planning and urban use zoning
- Land subdivision
- Local roads, footpaths and drains
- Traffic control
- Building standards
- Garbage and sewage disposal

- Health inspection
- Child care centres
- Public libraries
- Local tourist promotion

Review 1.2 Three Levels of Government

QUESTION 1 OF 3

Which section of the Constitution sets out the law making power for the Commonwealth

- ☐ **A.** The Preamble
- ☒ **B.** Section 51
- ☐ **C.** Section 92
- ☐ **D.** Section 109



Check Answer



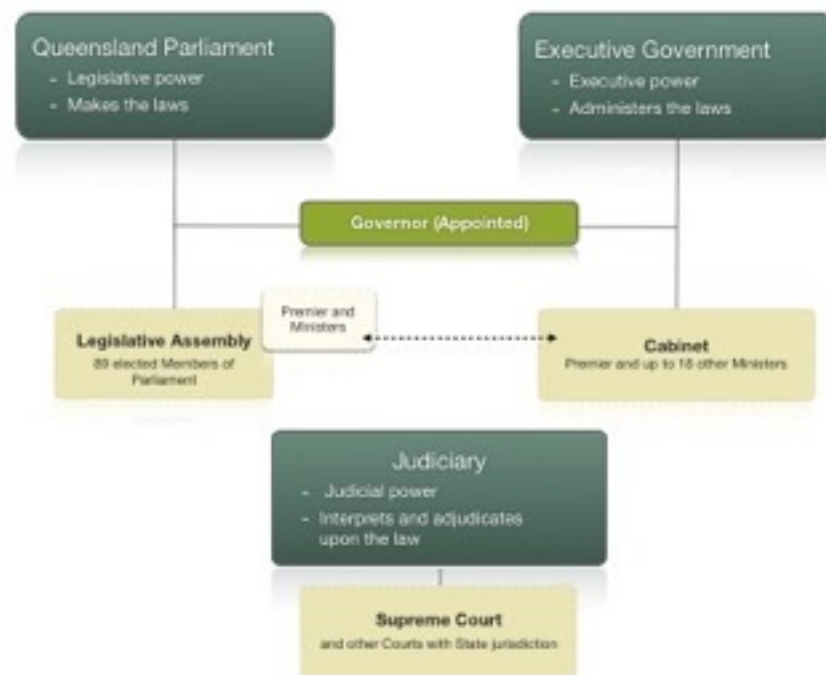
The Separation of Powers

In its purest sense, the doctrine of the separation of powers refers to the distinct separation of the three branches of Government – the Legislature, the Executive and the Judiciary.



The Separation of Powers

Separation of Powers – State of Queensland



Tap to see large image.

The Separation of Powers

In its purest sense, the doctrine of the separation of powers refers to the distinct separation of the three branches of Government – the Legislature, the Executive and the Judiciary.

The Legislature exercises legislative power to enact laws, the Executive exercises executive power to administer the laws and the Judiciary exercises judicial power to interpret and adjudicate upon the laws.

Theoretically, each branch of government must be separate and not encroach upon the functions of the other branches. Furthermore, the persons who comprise these three branches must be kept separate and distinct. There is a complete separation as regards governmental powers, institutions and personnel.

The modern development of the doctrine of the separation of powers was formulated initially in the eighteenth century by the French philosopher Montesquieu, who argued that the doctrine would preserve the liberty of the individual by separating the powers of government.

In practice, the Westminster system of government in Queensland has partial separation in relation to the exercise of governmental powers and the personnel of the Legislative Assembly and the Executive. By convention, the members of the Executive, namely Ministers of the Crown including the Premier, must also be elected Members of the

Legislative Assembly and have the confidence of the Assembly to form a government. These persons exercise both legislative and executive power in the performance of their duties.

In Queensland, the third branch of government, the judiciary, is considered to be separate and independent from the other two branches of Government. Members of the judiciary are not members of the other two branches of Government.

However, although the Westminster system of government aspires to the principle of complete judicial independence, the Queensland Constitution provides no legal restriction on the Parliament in exercising judicial powers if it so desired. Therefore, it is vital that the necessary measures are in place to impose checks and balances to prevent the abuse of power.

Separation of powers in the Westminster System

QUICK LINKS

1. [Background](#)
2. [The Queensland position](#)
3. [The Legislative Assembly](#)
4. [The Executive](#)
5. [The Judiciary](#)
6. [Conclusion](#)

Separation of Powers in the Westminster System ¹

Background

The concept of the Separation of Powers was first developed in Eighteenth Century France by the French political philosopher Baron de Montesquieu (1689–1755). The Government of France at the time was an Absolute Monarchy, ruled by the most absolute of all sovereigns, Louis XIV, the so-called Sun King who famously declared “L’etat c’est moi”, ‘I am the state’. Such arbitrary rule is effectively a dictatorship or, in a term much used at the time, “tyranny”. Montesquieu had studied the British system of Government and evolved his theory in response to his understanding of British constitutional arrangements.

The fundamental rationale of the theory is that it separates power among the Executive, the Legislature (Parliament) and the Judiciary (the courts). Montesquieu erroneously believed that this was characteristic of the British system. The reality was (and is) that the former two are more interconnected than separate, while both are divided from the Judiciary, the independence of which is strongly protected.

1. This section includes commentary by Parliamentary Honorary Research Fellow Dr Paul Reynolds.

The following references apply to this section.

Carney, G., Separation of Powers in the Westminster System, Paper read to the Australasian Study of Parliament Group (Queensland Chapter), 13 September 1993.

The Constitution of Queensland (Annotated), Constitutional and Administrative Law Services, Governance Division, Department of Premier and Cabinet Queensland, 2002.

Montesquieu also had a profound influence on the American Founding Fathers, especially Thomas Jefferson. The US Constitution represented a conscious attempt to translate the theory of the Separation of Powers into practice. The Executive (Presidency) is separated from the Congress, which consists of two separately constituted Chambers (Senate and House of Representatives), while both are set apart from the Supreme Court. The necessary linkages are provided by explicit constitutional provisions which regulate the complex arrangements each must have with the others. For example, the President (Executive) sends the Budget to Congress (Legislature) which must pass it but can alter and amend it. The President nominates Supreme Court judges, but they cannot be appointed unless the Senate (using its power of “advice and consent”) ratifies the nomination.

The Queensland position

In common with other Westminster systems, Queensland possesses an Executive, Legislature and a Judiciary. But, in respect of the first two, there is an inherent paradox. The Executive owes its existence and legitimacy to its domination of the Legislature, yet the role of the latter is to hold the former to account. How can it do this when it can be overridden, on the floor of Parliament, by the Executive using its numerical superiority? In practice, and over time, a series of

developments (both constitutional and conventional) have occurred to regularise and orchestrate Executive/Legislature relationships.

The Legislative Assembly

The formal provisions concerning the Legislative Assembly are established in the [Constitution of Queensland 2001](#) and the [Parliament of Queensland Act 2001](#). These Acts represent a consolidation of constitutional enactments produced by a series of uncoordinated legislative initiatives made over the years following the original [Constitution Act 1867](#). The 2001 Constitution Act lists the Legislative Assembly's functions as:

- Providing the state government;
- Introducing, debating and passing laws;
- Providing scrutiny of Government by various parliamentary procedures; and
- Providing avenues for popular representation of citizens' interests.

In practice, since the 1980s, and especially since the Fitzgerald Report² (1989) opportunities for scrutiny of Government and governmental accountability have been greatly expanded through:

- Revision of Standing Orders to provide greater opportunities for private (i.e. non-government) business;
- More resources for the Opposition;
- An expansion of the number and role of the parliamentary committees (commencing in 1988 and continuing through the 1990s);
- The establishment of Estimates Committees to cover the whole range of Government revenue raising and expenditure.
- Reform and modernisation of the parliamentary committee system in 2011, instituting portfolio committees and thus enhancing the Parliament's oversight and examination of legislation.

It needs to be remembered that Parliament is an evolving institution. There is no ideal model. Just as there never was a “golden age” of Parliament, neither has one Parliament been an exact replica of any other. In Queensland this was conclusively demonstrated in 1922 when the Legislative Council was abolished, thereby making

Queensland the only unicameral Australian state; a situation shared with the Northern Territory, Australian Capital Territory and, more recently, New Zealand.

The Executive

The Queensland Constitution 2001 details the role and position of the Governor. He/she represents the formal legitimacy for all governmental activity. Since 1688, in all Westminster constitutional monarchies, the wielding of power and all decision making has been done in the name of the Crown. Its local manifestation in Queensland is the office and person of the Governor. But because the Governor is appointed by the Crown on the advice of the Premier and while, by long established convention the Governor discharges his/her duties solely on the advice of the Premier and Cabinet, the Government is the only source of political power in the state. For example, while the Parliament has the authority to pass the Budget, the Constitution states that, “Any bill seeking authorisation to spend money from the consolidated fund must be recommended by the Governor. The Governor's message is sent on advice of the Premier; thus only Appropriation Bills that have Government support can be passed.”³

2. G.E Fitzgerald, '[Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct](#)', Report of a Commission of Inquiry pursuant to orders in council.

3. Constitution of Queensland, annotated, 2002, p.65

The Executive is composed of the Governor (representing the Sovereign) and the Cabinet. The two arms of the Executive are the Governor and the Cabinet. Governor-in-Council is the Governor acting on the advice of the Executive Council. In practice this is a weekly meeting of several Ministers with the Governor presiding. This is the formal and legal decision making body to make statutory appointments, approve significant expenditure and subordinate legislation.⁴

Cabinet is specified in the Constitution to consist of the Premier and a maximum of 18 other Ministers including the Attorney-General. While the different parties have their own mechanisms for deciding the Cabinet's composition, the appointments are made by the Governor on the Premier's recommendation with the latter allocating the portfolios.⁵

While the Legislative Assembly must meet at least twice a year (it generally averages 40 – 50 sitting days), and at least every six months, the Executive's business takes precedence in all parliamentary proceedings save for a few specified and limited occasions. Government backbenchers share Question Time equally with non-

government MPs. However, Government backbenchers currently have the casting vote on all portfolio committees and governmental numerical superiority ensures that it will generally win all divisions on the floor of Parliament. Thus tight party discipline, together with the inherent power that accrues to the Executive means that the Legislature, in all but rare and exceptional cases, is subordinate.

Finally, it should be observed that the electorate has been conditioned to expect two simultaneous outcomes: that Parliament should be representative of the wider community; and that Government should act decisively and have the wherewithall to govern effectively, always remembering that, every three years, it will be held to account by the voters.

The Judiciary

The section of the [Queensland Constitution 2001](#) dealing with the Judiciary is comparatively brief, reflecting the separation of the legal and political processes. It provides an outline of the judicial structure, namely a Supreme Court and a District Court; and the mechanisms for the appointment and removal (only for proven misdemeanours or

4. *ibid*, p. 33

5. *ibid*, pp. 44-45

incapacity) of judges and their retirement at age 70. This last provision follows an amendment to the federal constitution, passed by referendum in 1977, which changed the appointment of High Court judges from for life to age 70.

Judicial appointments to both courts, together with Magistrates and Justices of the Peace are made by Executive Council and are not therefore the subject of parliamentary debate. Once appointed, such persons, their activities and conduct are regulated by the legal system. In short, the political processes keep their distance from the workings of the judicial system.

Conclusion

There is no doubt that, as Montesquieu theorised, concentration of political power in one institution (or person) is an invitation to tyranny, with many examples of a contemporary and international nature as testament to this. The solution he proposed, namely the Separation of Powers, deserves serious consideration because of its inherent worth as a solution to an undesirable situation. However, in Queensland as in other Westminster jurisdictions, the Separation of Powers will never be fully implemented, at least between the Executive and Legislature, because these two units will constantly interact at any number of levels—some formal, but mostly informal according to convention and

practice. It is entirely appropriate that the Judiciary stands to one side of this essentially political process. However, a full Separation of Powers between the other two elements is neither necessary nor desirable, particularly when the mechanisms of the political system are

Review 2.1 The Separation of Powers

QUESTION 1 OF 5

Theoretically the distinct separation of the three branches of Government – the Legislature, the

- ☐ **A.** Responsible government
- ☒ **B.** The doctrine of the separation of powers
- ☐ **C.** Good government
- ☐ **D.** the doctrine of independent aloofness



Check Answer



The Governor

The Office of Governor of Queensland was first established in 1859 by Letters Patent issued by Queen Victoria. These Letters Patent established the colony of Queensland and appointed Sir George Bowen as the first Governor of the colony.



The Governor



Government House, Queensland



The Office of Governor of Queensland was first established in 1859 by Letters Patent issued by Queen Victoria. These Letters Patent established the colony of Queensland and appointed Sir George Bowen as the first Governor of the colony.

The Governor is the personal representative of Her Majesty The Queen in the State and is appointed by Her Majesty by Commission.

The powers of the Governor are derived from the Commission of Appointment, from the provisions of various pieces of Constitutional legislation operating and applying to Queensland and from the provisions of a number of other Acts of Parliament which provide for certain things to be undertaken or approved by the Governor-in-Council.

As the representative of The Queen, the Governor does not participate in the political process. It is the duty of the Governor to ensure that the State continues to have a stable government which commands the popular support of the Parliament.

Some of the specific roles and functions of the Governor include:

- giving Royal Assent to bills passed by the Legislative Assembly;
- summoning, proroguing and dissolving Parliament on the advice of the Premier;
- issuing writs, on the advice of the Executive Council, for State elections and for the election of Queensland representatives in the Senate; and

- appointing Ministers and members of the Executive Council of Queensland.

The Governor also presides over meetings of, and takes the advice of, the Executive Council. By convention, the Executive Council comprises the Ministers of the Crown who hold separate Commissions as Executive Councillors. The Governor-in-Council, which is the Governor acting on the advice of the Executive Council, provides formal approval of certain decisions of the Cabinet and individual Ministers.

The Governor, as the Head of State, also performs a number of ceremonial and public duties including the swearing-in of Ministers, opening Parliament and receiving calls from Ambassadors.

The Governor traditionally plays an active role in supporting the work of charitable and community-based organisations through the bestowal of patronage and participation in activities aimed at improving the welfare of all Queenslanders.

The Governor's understanding of the needs of the people of Queensland is enhanced by extensive travel throughout the State during the term of office and the opportunities afforded to the Governor to meet with people from all sectors of the community.

Review 3.1 The Governor

The role of the Governor of Queensland is

- ☐ **A.** To be the personal representative of Her Majesty The Queen in Queensland
- ☐ **B.** to ensure that Queensland continues to have a stable government which commands the popular support of the Parliament
- ☐ **C.** preside over meetings and take advice of the Executive Council
- ☒ **D.** all of the above

Check Answer

The Parliament

The Queensland Parliament consists of the Sovereign, who is represented by the Governor, and a Legislative Assembly comprising 89 Members

Arrival of the Governor for the Opening of Parliament in 2012



Arrival of the Governor for the Opening of Parliament in 1899



The Parliament

QUICK LINKS

1. [A brief history](#)
2. [Officers of Parliament](#)

The Queensland Parliament consists of the Sovereign, who is represented by the Governor, and a Legislative Assembly comprising 89 Members representing 89 electorates.

The Queensland system of parliamentary government is based on the British Westminster system, which embodies two fundamental principles – representation and responsibility. This system has evolved over many centuries. Representative democracy gives the right to people to democratically elect citizens to represent them in Parliament where governments are formed and laws are made. The elected representatives are then responsible to the Parliament and through parliament they are accountable to the electorate.

The term Westminster refers to the Palace of Westminster (now the Houses of Parliament, London) which was once the Sovereign's residence. The Palace was where members of the Church and aristocracy were called to attend 'parleys' with the Sovereign. Gradually, invitations to these gatherings were extended to include commoners.

The evolution of a 'parliament' saw the emergence of two Houses representing these advisory groups – the House of Lords (representing the Church and the aristocracy) and the House of Commons (representing the commoners). Over many centuries, there was a gradual waning of the absolute power of the Sovereign and a strengthening of the power of the Parliament. The colonisation of Australia by Britain was followed by the

introduction of the Westminster system of government as then practised in the United Kingdom.

The life of a new Parliament begins when the Governor summons Parliament to meet, following a general election. Each new Parliament is assigned a consecutive number.

For example, the Parliament that was sworn in on 25 March 2015 is Queensland's 55th Parliament.

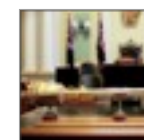
Queensland's Constitution stipulates that a general election must be held at least once every three years and during that period Parliament must meet at least once a year.

A brief history

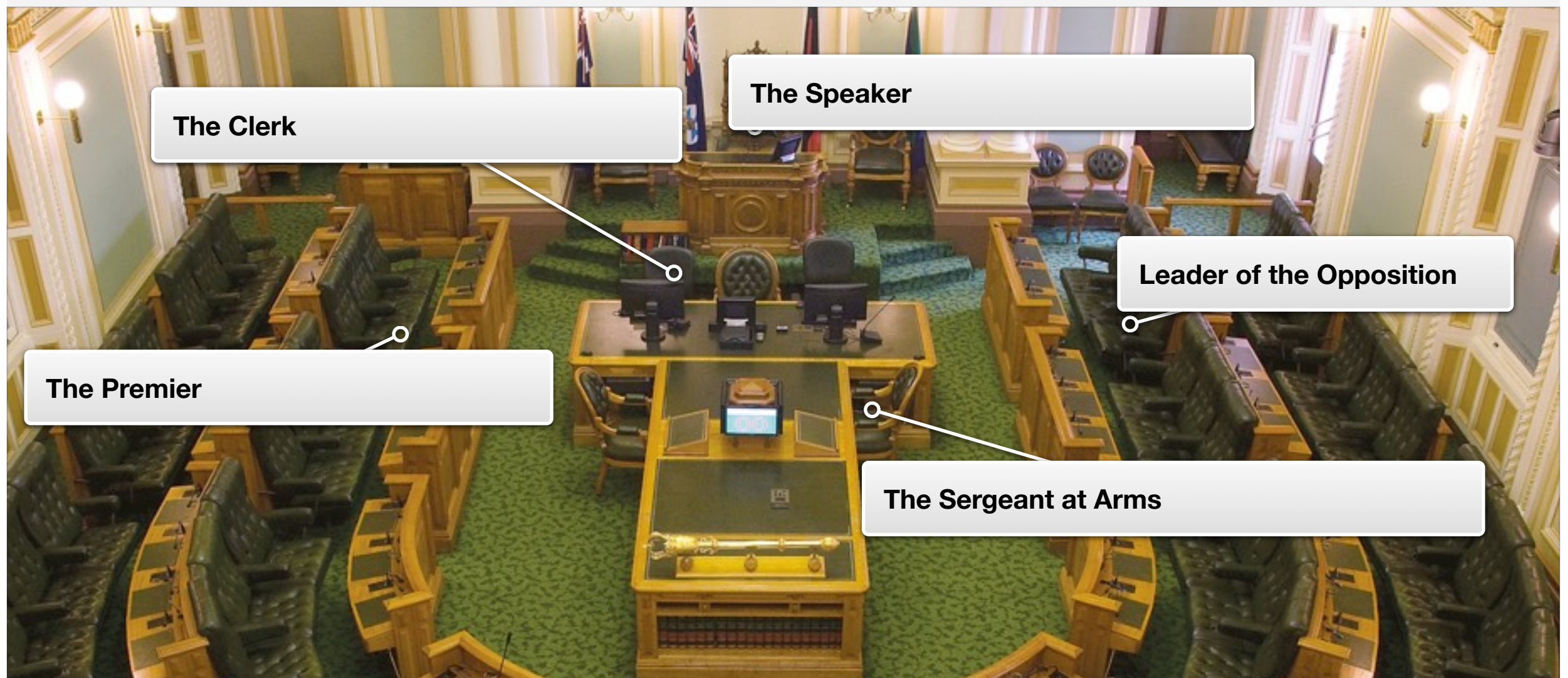
Queensland gained self government from the mother colony, New South Wales, on 6 June 1859. Queen Victoria signed the Letters Patent establishing the colony of Queensland and appointing Sir George Bowen as the first Governor of Queensland. By Order in Council, Governor Bowen was empowered to make the laws and provide for the administration of justice. He appointed an Executive Council of three – Robert Herbert, Ratcliffe Pring and Robert Mackenzie to provide an interim government prior to the election of a



Members in the Legislative Assembly Chamber



Location of key Members and officers of the Queensland Parliament



The Legislative Assembly Chamber

representative legislature.

The authority for the election of our first Parliament was found in a proclamation dated 20 December 1859. Twenty-six Members were to be elected from 16 electoral districts to form a Legislative Assembly. Eleven Members serving a term of five years were appointed to form the Legislative Council. Governor Bowen appointed a further four Members to the Council to serve a life term, to make a total of fifteen. Thus the first Queensland Parliament based on the British Westminster system of government met for the first time on the 22 May 1860.

On 23 March 1922, one of the most significant events in the history of the Queensland Parliament occurred when the Legislative Council, the Upper House of the Parliament, was abolished. This effectively made Queensland the only unicameral state parliament in Australia, although the two territories are also unicameral.

Main functions of our Parliament are:

- to make or amend laws for ‘the welfare, peace and good government’ of the State;
- to grant supply;
- to provide the Government of the day;
- to scrutinise the actions of the Government; *and*

Review 4.1 The Separation of Powers

How many members are there in the Queensland Parliament?

- ☐ **A.** 25
- ☐ **B.** 72
- ☒ **C.** 89
- ☐ **D.** 100

Check Answer

- to represent the people.

Legislation

- to make or amend laws “for the welfare, peace and good government of the State”.

The Queensland Parliament is the legislature of our State. It is the law-making body which determines the rules of our society by which we live.



Legislation

QUICK LINKS

1. [The Legislative Function Of Parliament](#)
2. [Legislation – The Course of Progress](#)
3. [Types of Bills](#)
4. [Form of Bill](#)
5. [The Legislative Process for Non-urgent Government Bills](#)
6. [The Legislative Process for Non-Urgent Private Members' Bills.](#)
7. [The Legislative Process for Urgent Bills](#)

- to make or amend laws “for the welfare, peace and good government of the State”.

The Queensland Parliament is the legislature of our State. It is the law-making body which determines the rules of our society by which we live. The Government has the responsibility to meet the needs of an ever-changing and increasingly complex society by initiating new laws or amendments to existing laws. Proposals for new laws or amendments to existing laws come from a variety of sources such as Cabinet decisions, political party policies, Government Departments, Private Members, committees, interest groups and community needs.

A bill is a proposal for a new law or an amendment to an existing law. When the bill is passed in the Parliament and receives Royal Assent from the Governor, it becomes an Act of Parliament. An Act of Parliament is the primary form of legislation.

A secondary form of legislation is subordinate legislation, which contains the operational mechanics of an Act which would not be detailed in the Act itself. This includes regulations, rules, local laws, statutes, ordinances, orders-in-council, proclamations and notifications. Subordinate legislation is made under the authority of an Act of Parliament and approved by the Governor-in-Council.

The Legislative Process



The Legislative Function Of Parliament

The Queensland Parliament consists of the Queen and the Legislative Assembly. It has power to make laws for the peace, order and good Government of Queensland in respect of all matters not the direct responsibility of the Commonwealth of Australia Parliament, as defined by the [Australia Constitution Act 1901](#).

The making of a law by the passing of legislation is a fairly complicated parliamentary and constitutional process. Its final validity as an Act of Parliament depends on the bill, or proposed law, being approved in the same form by both elements that constitute the Queensland Parliament. That is, bills must be both passed by the Legislative Assembly and given Royal Assent by the Governor (in the name of Her Majesty) to become an Act or law.

Legislation – The Course of Progress

The Constitution gives the Legislative Assembly the power to make rules and orders with respect to the order and conduct of its business and its proceedings (Standing Rules and Orders), including the procedure to be followed for the introduction and passage of bills.

The normal flow of the Legislative progress is that a bill is introduced into the Legislative Assembly, passed and agreed to, then given Royal Assent by the Governor and

converted at that point into an Act. ‘Bill’ is thought probably to be a derivative of medieval Latin *Bullà* (Seal) and meaning originally a written sealed document. ‘Act’ is short for Act of Parliament, and comes from the Latin (via Norman French, which was the original language of the British Parliament) *Actum*, meaning a thing completed or formally done.

Types of Bills

Provided the rules relating to initiation procedures are observed, any Member of the Legislative Assembly has authority to introduce a bill.

In the [Standing Orders of the Legislative Assembly](#), two types of bills are recognised – Government bills and Private Member’s bills. A Government bill is a bill dealing with a matter of public policy introduced by a Minister. A Private Member’s bill is a bill dealing with a matter of public policy introduced by a member who is not a Minister (or by a Minister in their capacity as a Member) [Standing Order 126].

Under Standing Order 129 (1) a Minister may present a bill at any time during Government Business, so as to not interrupt other Government Business. Under sub section (2) a Member may present a Private

Member’s bill during any time allocated for the introduction of Private Member’s bills.

Form of Bill

Bills take the form described below, although not all the parts of a bill are necessarily essential to every bill.

Long title

Every bill begins with a long title which sets out in brief terms the purposes of the bill or may provide a short description of the scope of the bill. The term “long title” is used in distinction from the term “short title”. A general reference to the title of a bill, without being qualified, usually means the long title. The long title is part of the bill and as such is capable of amendment and must finally be agreed to by the House. For example the long title for the [Safety in Recreational Water Activities Bill 2011](#) appears as follows:

**A BILL
for
An Act about health and safety in recreational water
activities provided in the conduct of a business
or undertaking**

Preamble

Like the long title, the preamble is part of the bill, but is a comparatively rare inclusion. A preamble is an introductory paragraph in which the reasons for introducing the bill are set out.

The enacting formula

This is a short paragraph which precedes the clauses of a bill. The usual words of enactment are as follows:

"THE PARLIAMENT OF QUEENSLAND ENACTS".

Bills requiring the consent of the electors of Queensland use the following form:

"THE PARLIAMENT OF QUEENSLAND WITH THE CONSENT OF THE ELECTORS OF QUEENSLAND ENACTS".

Short title

The short title is the name of an Act. It is a title that assists in identifying and indexing.

Clause 1 of a bill usually contains its short title, an example of which is

1. This Act may be cited as the *Sugar Act 1986*.

When a session of the Parliament extends into two or more calendar years and bills introduced in the first year are not passed or assented to until the ensuing year, then under Standing Order 169, the Clerk is authorised to amend the year date in the title, short title, or otherwise, as may be required.

It is not uncommon for more than one bill, bearing virtually the same short title, to be enacted in the same year. In this particular situation the second bill and subsequent bills are distinguished by the insertion of (No. 2), (No. 3), and so on in the short title.

Commencement provision

Acts do not necessarily come into operation on the day of Royal Assent. In many instances bills contain a provision as to the date from which it has effect. When a bill has a commencement clause (usually Clause 2) the date on which the Act comes into operation is described in one of the following ways:

(a) the date the Act receives Royal Assent;

- (b) a date to be fixed by Proclamation. This requires an Executive Council order and the Proclamation must be published in the Gazette;
- (c) a particular date;
- (d) a combination of (a) and (b), for example sections 1 to 2 come into force on the day of Royal Assent, sections 3 to 12 on a date to be fixed by Proclamation.

Where there is no stipulation set out in an Act, the Act comes into force from the date of Royal Assent.

Dictionaries

A dictionary or definitions clause sets out the specific meaning of certain words in the context of the bill. Definitions may also appear elsewhere in the bill in the form of a Schedule.

Clauses

The main part of a bill is the clauses. Clauses contain what the bill is all about. They may be divided into sub-clauses, sub-clauses into paragraphs and paragraphs into sub-paragraphs. Larger bills are divided into chapters and parts. Once a bill has received Royal Assent and becomes an Act, clauses are referred to as sections.

Schedules

Matters of detail may be appended to a bill in the form of a schedule. A schedule may contain, among other things, a table of Acts to be repealed by the bill, a form of words for a document, an agreement, a plan, or a precise description of an area of land referred to in the bill. A schedule is part of the bill and is usually given legislative effect by a preceding clause or clauses in the bill.

Where there is more than one schedule, they are referred to as Schedule 1, Schedule 2, and so on.

The Legislative Process for Non-urgent Government Bills

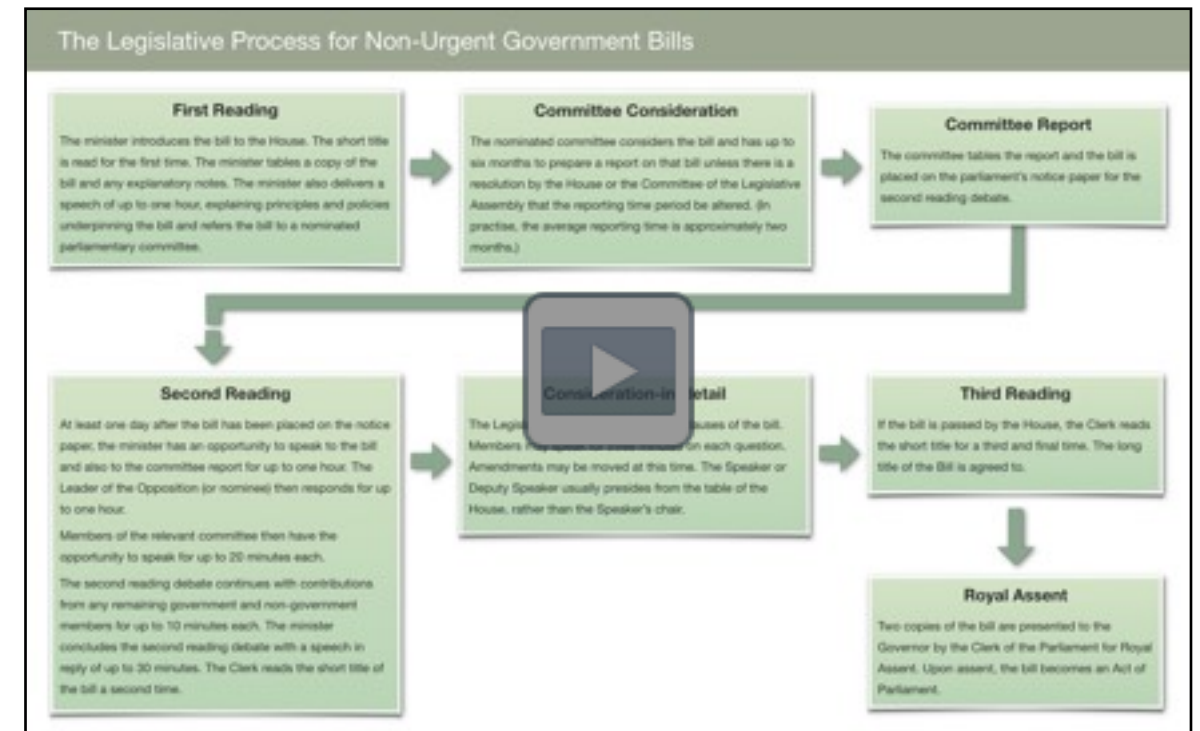
Bills may be either Private Member's bills, which may be introduced by any Member of Parliament, or Government bills, which are introduced by a Minister. With the exception of some time frames, the process for the passage of the legislation is the same for both types of bills. The majority of legislation is Government bills and this section refers to the process for non-urgent Government bills.

Presentation and first reading

The Minister presents the bill and tables the bill and the Explanatory Notes and, in accordance with Standing Order 129(3)(c), nominates a portfolio committee (or other parliamentary committee) to consider the bill.

[It is the practice of the House that a Minister may present a bill on behalf of another minister. This is usually done by the Leader of Government Business if a minister is absent and the bill must be introduced on that particular day.]

The Minister then makes a speech explaining the bill. This is known as the Explanatory Speech.



Following the Explanatory Speech, the minister moves that the bill be now read a first time. If this is agreed to, the Clerk, who has been handed the bill by the minister, reads out the short title of the bill. The Question, "That the bill be now read a first time", is put without amendment or debate (Standing Order 130 (1)).

If the question for the first reading of the bill succeeds, then the bill automatically stands referred to the parliamentary committee nominated by the Minister earlier.

There is no requirement that the minister introducing a bill must present a printed copy. Nevertheless, for convenience, printed copies are ready to be made available. The bill is deemed to be printed once it has been introduced and is then immediately distributed to members in the chamber. (A bill is treated as confidential by the staff of the House until it is presented, and no distribution is made until that time.) A bill is not out of order if it refers to another bill that has not yet been introduced.

Committee consideration

The nominated committee considers the bill and has up to six months to prepare a report on the bill, unless there is a resolution by the House or by the Committee of the Legislative Assembly that the time period be altered. During this time, the committee may receive briefings by Government departmental officers, seek expert or technical advice, seek the advice of another parliamentary committee, call for public submissions and conduct public hearings with stakeholders.

The committee may examine the bill for technical scrutiny, that is, examine whether the bill conforms with [Fundamental Legislative Principles](#) in accordance with the [Legislative Standards Act 1992](#). The

committee may also scrutinise the policy to be given effect by the legislation.

After consideration of the material, the Committee Chair and committee secretariat prepare a report on the bill. This report may recommend that the bill be passed, that it be rejected, or that it be passed with amendment(s). Committee members may add a dissenting report or statement of reservation to the report.

The committee report is tabled in the Legislative Assembly. Following the tabling of the report, the bill is set down on the Notice Paper (agenda) of the Legislative Assembly for the second reading stage.

Second reading

At least seven calendar days after being placed on the Notice Paper, unless the bill is declared urgent, the second reading debate on the bill may commence.

At this stage, the Minister who presented the bill moves that the bill be now read a second time. The Minister then speaks to the motion for up to one hour and may address the principles of the bill, the portfolio committee's examination and report and any amendments recommended by the committee.

The Leader of the Opposition or his or her nominee (usually the relevant Opposition Spokesperson) may then speak for up to one hour, followed by the members of the relevant committee for up to 20 minutes. All other Members may speak for up to 10 minutes.

To conclude the second reading debate, the Minister has the right of reply for up to 30 minutes.

The second reading debate is primarily an opportunity to consider the principles of the bill, the portfolio committee's examination and report, and any amendments recommended by the committee. Debate at this stage should not extend in detail to matters such as the individual

clauses of the bill, which can be discussed at the "consideration in detail" stage.

Amendment to the question for second reading

An amendment to the question, "That the bill be now read a second time" may be moved by any Member. Known as a "second reading amendment", under Standing Order 141, it must be strictly relevant to the question for the second reading. It usually takes the form of an amendment to omit the word "now" and at the end of the question adding the words "on this day three months", or "on this day six months" or any other time.

Another type of amendment that may be used is often called a "reasoned amendment" and this enables a Member to place on record any special reasons for not agreeing to the second reading. A reasoned amendment must also be relevant to the bill and an amendment dealing with a matter not in the bill, nor within its title, may not be permitted. The usual form of a reasoned amendment is to move that all words after "That" be omitted with a view to inserting the following words, "the bill be withdrawn and redrafted to provide for...".

Determination of the question for second reading

When debate on the motion for the second reading has concluded and any amendment disposed of, the House determines the question on the second reading, "That the bill be now read a second time". On this question being agreed to, the Clerk reads the short title of the bill.

A bill whose second reading has been negatived is then disposed of and removed from the Notice Paper. It is referred to as having "failed its second reading".

Bill not proceeded with

From time to time a bill is introduced for the purpose of it remaining on the Notice Paper until the reactions of the public and interested groups are known. As a result of subsequent representations, the Government may wish to change the bill substantially from its introduced form. If extensive amendments, or amendments which would be inadmissible under the Standing Orders, need to be made, a new bill can be introduced. This can be done in one of two ways:

- The bill can remain on the Notice Paper until it lapses on dissolution or prorogation, or

- the Minister concerned can move for the discharge of the order of the day and a new bill brought in and proceeded with in place of the old one.

Consideration in detail stage

Once a bill has been read a second time, the House considers the bill in detail.

At this stage, clauses and any schedules of the bill are considered in detail. The Speaker or Deputy Speaker presides either from the Chair or, if the clauses are debated, from the table of the House.

Consideration of any preamble in a bill is always postponed until all the clauses and any schedules have been considered. This is because the House has already affirmed the principles of the bill in the second reading and it is therefore the duty of the House to settle the clauses first. The preamble is thus made subordinate to the clauses instead of governing them.

The text of the bill is therefore considered in the House in the following order:

- (a) clauses as printed and new clauses, in their numerical order;
- (b) schedules as printed and new schedules, in their numerical order;

- (c) any clauses or schedules previously postponed; and
- (d) postponed preamble (if any). Moving of motions and amendments in consideration in detail stage

During the consideration in detail stage, amendments may be moved to the various parts of the bill to omit certain words, to omit certain words in order to insert or add other words, or to insert or add words. Motions (including amendments) moved in the consideration in detail stage need not be seconded. Amendments must be both stated in the House and provided in writing to the Clerk. Although there is no requirement for notice to be given of proposed amendments, it is most helpful that they be lodged with staff of the Parliament's Table Office as early as possible so the proper forms may be prepared and they can be printed and circulated to Members before they are considered.

In debate on any question in the consideration in detail stage, the Minister in charge may speak for unlimited periods of time and each Member may speak for three minutes on any one question.

Debate in the consideration in detail stage must be confined to the subject matter of the clause, schedule or amendment before the House, and cannot extend to other clauses or schedules.

Where amendments are proposed to clauses, the Speaker or Deputy Speaker proposes a question to the House, "That the amendment be agreed to".

If a clause or a schedule is amended, then a further question is proposed, "That the clause (or schedule) as amended stand part of the bill".

If the amendment is designed to omit a clause, then the correct procedure is to vote against the clause when it is put.

Inadmissible amendments

Examples of amendments ruled out of order by the Chair have been amendments which would:

- (a) be a direct negative of the bill;
- (b) amend the principal Act not covered by the amending bill;
- (c) omit a clause; (the correct procedure is to vote against the clause)
- (d) create a charge on the Crown;
- (e) be consequential on one already negatived;
- (f) be in conflict with a clause already agreed to;
- (g) negate a principle already affirmed;
- (h) not be relevant;

- (i) oppose the principle of the bill;
- (j) be outside appropriation granted;
- (k) be the same as one already negatived;
- (l) be subversive to the main principle of bill, and
- (m) restrict the principle affirmed in the second reading.

An amendment must not seek to appropriate a sum of money

On 19 November 1935, Mr Moore MLA proposed to move the following amendment to the second reading question on the *Wheat and Wheat Products Bill*:

To omit all the words after the word ‘That’ with a view to the insertion, in their place, of the words ‘the second reading of the bill be postponed in order to give the Government an opportunity to insert provisions in the bill for payment to the Queensland Wheat Board for distribution amongst the wheat growers supplying wheat to such growers through the operation of the Wheat and Wheat Products Act.

Mr Speaker ruled that the amendment contravened section 18 of the [Constitution Act of 1867](#) in so far as it sought to appropriate a sum of money without a message from the Governor and was therefore not in order.⁶

Amendments to Schedules containing agreements

It is the practice of the House that amendments may not be moved to a schedule containing an agreement to be given effect by the bill in which it is contained.

New clauses

New clauses are considered in the order they would appear in the bill. A new clause may be out of order for the same reasons as an amendment.

Reconsideration

After consideration in detail, but before the third reading of the bill, a Member may move for the reconsideration of the bill. The motion may

6. The requirement for appropriation to be preceded by a message from the Governor is now dealt within s.68 of the Constitution of Queensland 2001.

seek the reconsideration of the whole bill, a particular clause or clauses, a particular schedule or schedules, or the preamble.

Third Reading and Title

Following consideration in detail – unless a motion for reconsideration is moved – the Minister moves that the bill be now read a third time. If amendments have been made to the bill, then the Minister moves that the bill as amended be now read a third time.

The motion for the third reading may be debated. In order to avoid opening up or repeating debate on matters discussed in the motion for the second reading or during the consideration in detail stage, the debate on the motion of the third reading is limited.

Only verbal amendments can be moved at the third reading (Standing Order 161). A verbal amendment seeks to omit from the question the word “now” and add another time at which the bill shall be read a third time.

If the question for the third reading is agreed to, the bill is read a third time by the Clerk reading its short title.

The final motion then moved by the Minister is, “That the long title of the bill be agreed to”.

When this is agreed to, the bill has finally passed the House and no further question need be put.

On 5 December 1929, Speaker Taylor ruled that, “The title of a bill cannot be amended if the bill itself was not amended during its passage through the House”.

Royal Assent

Electronic versions of the bill prepared by Parliamentary Counsel are sent to the Government Printer after checking by officers of the House before the two parchment copies are printed and prepared for the Royal Assent.

Once the bill has been checked and the two parchment copies prepared, the Clerk makes an appointment with the Governor of Queensland to sign the bill on behalf of Her Majesty and thus give Royal Assent to the bill, turning the bill into an Act of Parliament.

If a bill has been amended, Parliamentary Counsel produce the amended version which is checked by officers of the House so that an additional check can be made on the insertion of the amendments into the bill before forwarding to the Government Printer.

Standing Order 165 deals with clerical errors and formal changes to any bill. The Clerk of the Parliament may amend the bills before they are presented for assent, provided the amendments fall within the following categories:

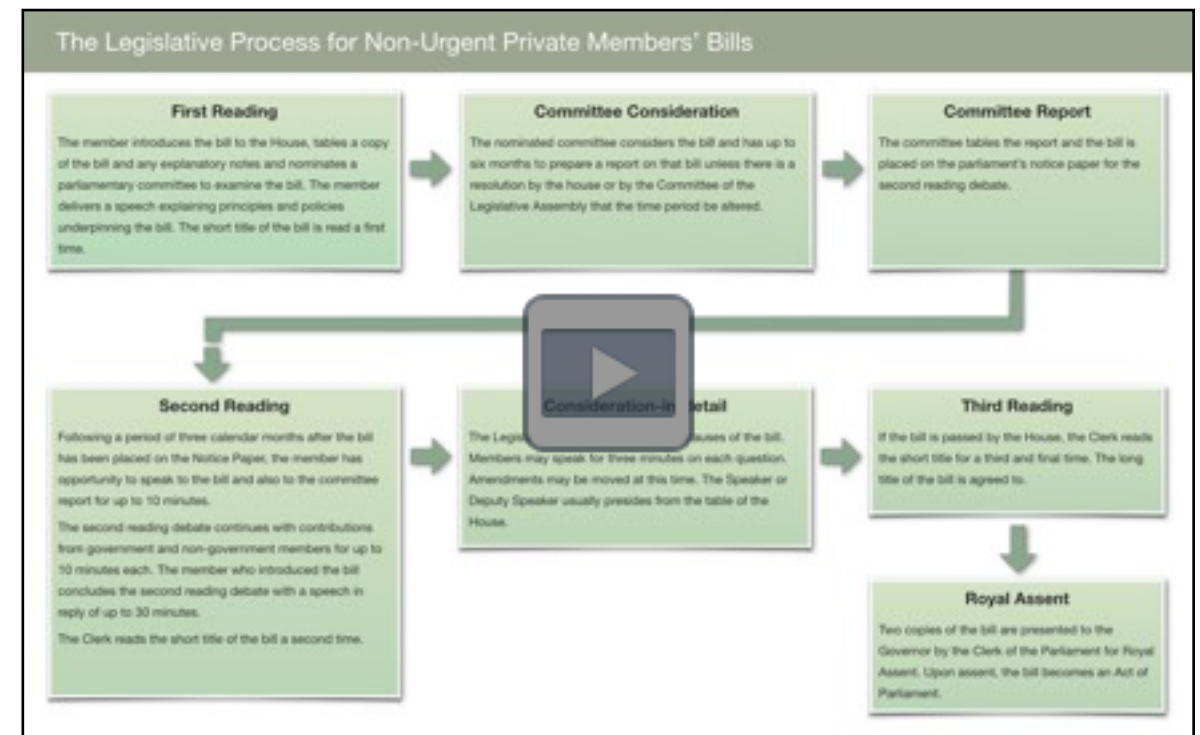
- (a) amendments of a formal nature necessary or desirable to any of the long title, the short title, and the method of citation;
- (b) amendments correcting clerical, grammatical or typographical errors and other amendments of a minor or formal nature; or
- (c) amendments to the citation of an Act.

The Clerk must report any amendments to the House on the next sitting day and, where possible, they shall be recorded in the Record of Proceedings.

The Governor may also propose amendments to a bill that has passed through the legislature. However this is a very rare occurrence.

The Legislative Process for Non-Urgent Private Member's Bill

Although the majority of bills are Government bills introduced by the Minister responsible for the portfolio that will be administering the legislation, any Member may introduce a bill. These bills are known as Private Members' bills. Under current Sessional Orders, Private Members' bills are introduced during the time set aside for Member's Statements on Thursday afternoons. They are debated on Wednesday evenings. The legislative process for Private Members' bills is

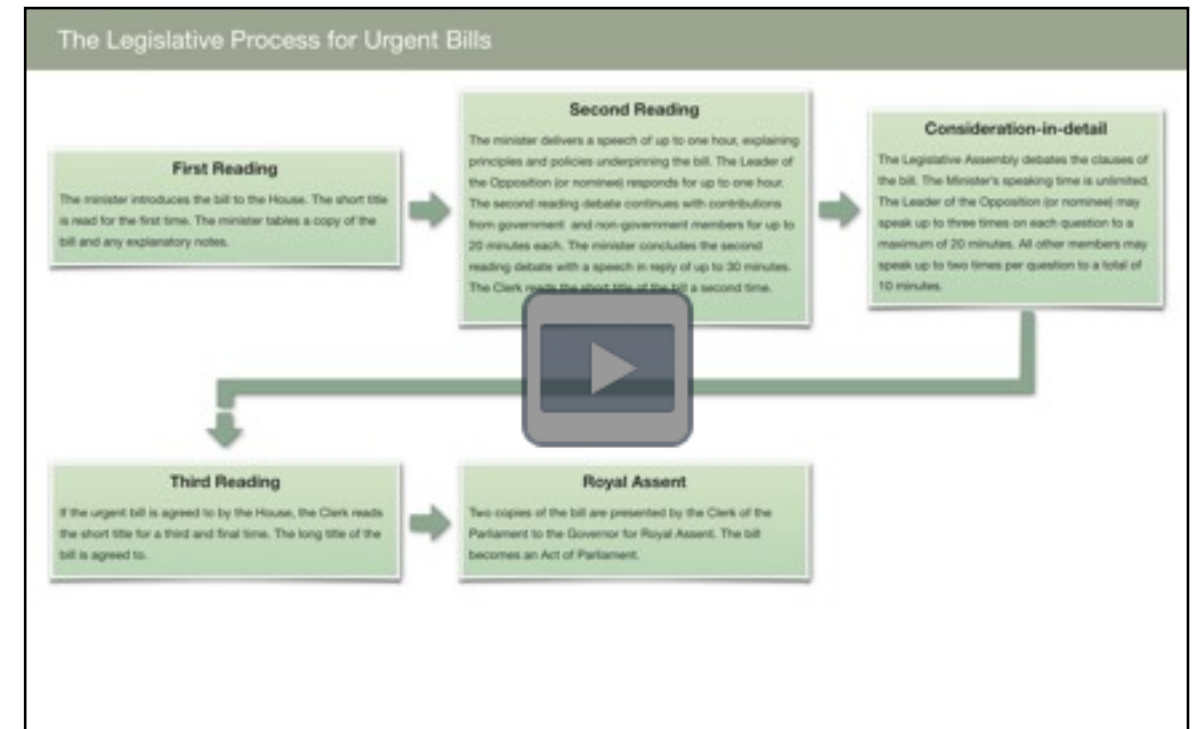


fundamentally the same as that for Government bills with the following differences in time frames and time limits:

Following examination and report by a parliamentary committee, when a Private Member's bill is set down on the Notice Paper of the Legislative Assembly, three calendar months must elapse before the commencement of the second reading debate, unless the bill is declared urgent. (For Government bills, at least seven sitting days must elapse, unless the bill is declared urgent.) At the second reading stage, all Members may speak for up to 10 minutes.

The Legislative Process for Urgent Bills

Urgent bills are considered immediately and are not referred to a portfolio or other committee. A bill may be declared urgent at any stage of the legislative process. If a Bill is declared urgent after it has been referred to a portfolio committee, it will be deemed discharged from the committee and be put on the Notice Paper and proceed to the second reading stage. A bill declared urgent may be passed with unusual expedition through all stages and a Minister or Leader of the House may move a motion specifying the time that shall be allotted to the various stages of the bill.



Questions about the Legislative process



What is a Bill?

A bill is a proposal for a law, either a new law or a change to an existing law, placed before the Parliament for its consideration.

Where do Bills originate?

The majority of bills are introduced by the Government. Ministers are responsible for introducing the bills into the Parliament. Individual Members who are not Ministers may introduce bills and such a bill is known as a Private Member's bill.

What stages does legislation go through before it is introduced in the Parliament?

The stages that occur before a Government bill is introduced in Parliament are:

- Policy approval by the Government. Cabinet approves all major new policies, new or major expenditure and contentious matters. For legislation this is the “authority to prepare a bill” stage. Cabinet ranks the proposed legislation in order of priority on the legislative program for the sitting.
- Drafting instructions are prepared by the department sponsoring the legislation and sent to the Office of the Parliamentary Counsel for the drafting of the bill.
- The draft bill and draft Explanatory Memorandum are submitted to Cabinet for “authority to introduce a bill” approval.

Cabinet reviews the bill after drafting and before it is introduced in Parliament.

The Minister responsible for the bill seeks a clearance from their parliamentary party, for the bill's introduction.

The final bill is printed ready for introduction in Parliament.

What are the parliamentary stages of a Bill?

There are steps, or stages, through which a bill must pass. These are:

- (1) presentation
- (2) first reading
- (3) committee consideration
- (4) committee report
- (5) second reading
- (6) consideration in detail
- (7) third reading
- (8) long title
- (9) Royal Assent.

What is the origin of the term “reading”?

The term has its origins before printing was invented. At that time, the Clerk was required to read the whole bill to the Parliament, so Members could be informed of its contents. By the end of the 16th century, it was the accepted practice for the Clerks to read bills on three separate occasions before they were passed.

What is the “presentation” stage?

The bill is presented to the Parliament by the Member introducing the bill, the Member tables a copy of the bill and the explanatory notes and nominates a committee to examine the bill. The Member then delivers a speech explaining principles and policies underpinning the bill.

What is the first reading?

After the bill has been presented to the Parliament, the Clerk reads the short title of the bill for the first time. This is the “first reading” of the bill. The bill stands referred to the nominated committee.

What is committee consideration?

Each committee is made up of both Government and non-government Members of Parliament. A committee is able to examine issues in

more detail than is possible in the Legislative Assembly. Committees also have the opportunity to receive comments and suggestions for change from the public or from experts in a particular field. From the information gathered, the committee will prepare a report. The Committee has up to six months to complete the report unless there is a resolution by the House or by the Committee of the Legislative Assembly that the time period be altered.

What happens at the portfolio committee report stage?

Once a committee completes its report, the document is tabled in the Parliament and the relevant bill will be put on the Notice Paper for the second reading debate.

What is the second reading?

The motion for the “second reading” is moved by the Member in charge of the bill. The Member has another opportunity to speak about the bill. Debate may take place but it is restricted to the principles of the bill, the portfolio committee’s examination and report as well as any amendments recommended by the committee. The second reading debate continues with contributions from both Government and non-government members. After agreement is reached that the bill be given a second reading, the Clerk again reads the short title.

What is consideration-in-detail?

The next stage is the consideration of the bill in detail. Bills are examined clause by clause. During this stage, amendments may be proposed to individual clauses of the bill.

What is the third reading?

The Minister in charge of the bill moves the motion for the third reading. This is the last opportunity for the Parliament to consider the bill. The motion may be debated but it is restricted to the content of the bill as it stands after consideration in detail and to why the bill should or should not be read a third time. Debate from the second reading or the consideration in detail stages cannot be repeated. The motion for the third reading can only be amended to dispose of the bill. The Clerk reads the short title of the bill a third and last time after the third reading motion has been agreed to.

What is Royal Assent?

Following the passage of legislation through the Assembly, two parchment copies of the bill are signed by the Governor on behalf of the Queen. This is called Royal Assent. Once a bill is assented to it is known as an Act of Parliament.

When does an Act come into force?

When an Act has a commencement clause it usually states when an Act will come into force. It will specify that the Act comes into force—

- on a particular date or dates;
- or upon proclamation in the *Government Gazette*.

If an Act does not have a commencement clause it will come into force on the date of assent (when it is signed by the Governor).

What happens to the two parchment copies?

When the Governor has assented to the bill, the Clerk of the Parliament:

- deposits one copy with Queensland State Archives; and
- retains one copy in the records of the Parliament.

Review 5.1 Legislation**QUESTION 1 OF 4**

When a bill is first presented to Parliament this stage is referred to as

- ☒ **A.** The presentation stage
- ☐ **B.** First Reading
- ☐ **C.** The Second reading
- ☐ **D.** Third Reading

[Check Answer](#)

Granting Supply

One of the greatest powers of Parliament is to scrutinise and control the expenditure of the Government.

STATE BUDGET
2011-12
APPROPRIATION BILLS

Granting Supply



One of the greatest powers of Parliament is to scrutinise and control the expenditure of the Government. In the early years of the English Parliaments, one of the main reasons that the King summoned Parliament was to raise monies, particularly for war.

Gradually however, successive Parliaments exerted their authority over the Sovereign. There emerged in these Parliaments more controlled and accountable procedures for the raising of revenue and the expenditure of revenue by governments.

Budgetary procedures such as annual financial statements being presented to Parliament and the formation of parliamentary committees to scrutinise the Government's financial actions were practices that our colonial parliaments adopted from the House of Commons (UK).

Constitutionally, no money can be appropriated from the Treasury except by an appropriation made by law. Furthermore, as the Crown is solely responsible for the State's expenditure, any *Appropriation Bill(s)* must be recommended by the Governor, on the advice of the Government of the day, prior to the introduction in the House by the Treasurer.

The most important appropriation consideration made annually is the State Budget, in which the Treasurer details in Parliament the State's estimated revenue and expenditure measures for the next financial year.

The Financial Process

QUICK LINKS

1. [Budget procedures in Parliament](#)

Parliamentary scrutiny

The scrutiny by Parliament of the Government's annual financial requirements is an important and powerful feature of the legislature's role and personifies the House of Commons' 'long, arduous battle' that eventually saw it gain control over the British Sovereign's revenues and expenditures. Thus, it is replicated today with a similar parliamentary overview of the Crown's (i.e. the Queensland Government's) appropriations and expenditure estimates.

Because the Crown is solely responsible for the State's expenditure, [Section 68 of the Constitution of Queensland 2001](#) provides that any bill seeking authorisation to spend money from the consolidated fund must first be recommended by the Governor. Subsequently, the Governor's recommendation that 'a bill for the appropriation of the Consolidated Fund,' precedes the presentation of the *Appropriation Bill(s)* and the Treasurer's Budget Speech.

Budget preparation

At various stages throughout the year, the Government's Budget has already been the subject of extensive preparation by the Treasury Department, Government Ministers and Departmental officials. A Cabinet Budget Review Committee (CBRC), comprising the Premier, the Treasurer and other Ministers oversee the macro budget strategy in relation to the submissions from Government Departments, regarding new initiatives and savings. Acting as a central coordinating body, the Treasury's responsibilities involve

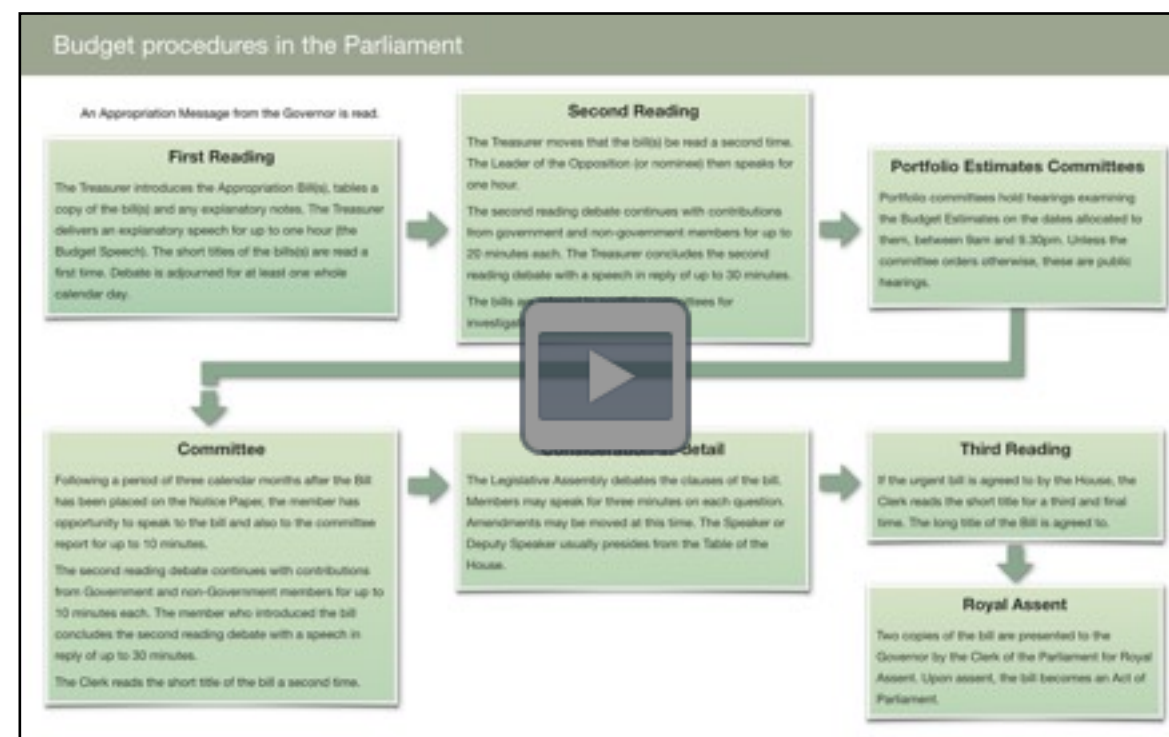
monthly monitoring of the budgets of Government Departments, quarterly reporting to the CBRC, a major mid-year review and the maintenance of three year forward estimates to ensure that annual budgets reflect the long-term goals of the Government. In 1999, the Government introduced a system of accrual budgeting known as Managing for Outcomes. Under Managing for Outcomes, budget information is presented using accrual information and the focus for departmental performance is on Outputs (groupings of similar goods and services provided by Departments to the Queensland community).

Resources are allocated by Output with the objective of achieving certain preset Government priorities or outcomes. Key outcome indicators are established to measure the effectiveness of service delivery.

Ministers, together with their Departmental heads and other officers, negotiate with the CBRC regarding their annual budgetary allocation and any new initiatives. After finalisation, the Budget is presented to Cabinet for approval, before being presented to the Parliament.

Budget procedures in the Parliament

On Budget Day, the Treasurer tables the Appropriation Bills and the related Budget documents. The message from the Governor is read, and the Treasurer presents the *Appropriation Bill(s)*, in which the Government's fiscal policy for the past financial year and the Government's policy proposals and estimated revenue and expenditure for the forthcoming year, are outlined to the Parliament. Also outlined are the proposed methods of raising the necessary funds.



In parliamentary terms, the Budget Speech equates to the Explanatory Speech procedure in the first reading stage, which occurs during the passage of non-urgent legislation in the House. At the conclusion of the Treasurer's speech, the debate is adjourned for at least one day. This allows the Opposition and the public to consider the *Appropriation Bill(s)* and accompanying Budget documents in detail and formulate their responses.

When the House returns, the Second Reading debate is opened by the Leader of the Opposition with his/her 'Reply to the Budget'. In this speech, the Opposition has the opportunity to criticise the Government's budget proposals. A general debate between Government and Opposition Members then ensues in the House for the next two days. The *Appropriation Bill(s)* is then referred to the Portfolio Committees to examine the Budget Estimates.

Estimates Committee Process

One of the most important powers that the Queensland Parliament holds over the Government is the control of the appropriation of public funds (Supply) from the public accounts. From 1860 to 1991 the Legislative Assembly used a financial Committee of the Whole House system to examine and approve Government requests for appropriation. Estimates were debated in the House, but not all

departments were the subject of such debates, leading to accusations from successive Oppositions that the less efficiently run departments were escaping parliamentary scrutiny.

Evolving from the recommendations of the Fitzgerald Inquiry, and more specifically from the proposals from the Electoral and Administrative Review Commission, the open Budget Estimates Committee system was established under Sessional Orders in May 1994. The system was modelled on the Senate Estimates Committees, with some features borrowed from New South Wales. The estimates committee system provided a better means for parliamentary scrutiny of the Government's expenditure proposals for each department. Under this system, there was the opportunity in a structured parliamentary forum to question senior public servants about decisions that had led to the framing of the Budget.

In May 2011, the [Parliament of Queensland \(Reform and Modernisation\) Amendment Act](#) changed the way in which the Parliament's committee system, including the estimates committee system, operates. The main changes to the estimates process included allowing Chief Executive Officers of Government Departments and Statutory Authorities to be directly questioned, increasing the time allowed for questioning, removing the previous

rigid time format restrictions, and creating permanent portfolio-based committees to examine government departments

The work of portfolio committees covers all ministerial portfolios and government departments. One of their main tasks is to conduct the budget estimate inquiries for their respective portfolios. The committees are made up of an equal number of Government and non-Government members with the chair of each committee having a casting vote.

Following the second reading debate on the Appropriation Bill(s), the proposed expenditures set out in the Appropriation Bill are referred to the portfolio committees as Estimates Committees. Each committee examines and reports on the proposed expenditures for its particular portfolio. One day is allowed for each committee to hold a public hearing.

Members of the Legislative Assembly who are not members of the particular portfolio committee are able, with leave of the committee, to ask questions at the public hearing. In theory, at least, any Member can ask questions at each of the Estimates Committee hearings. Each committee is scheduled one hearing day, and is able to hold hearings between 9am and 9.30pm on that day. However, as a trial for 2014,

each committee has been scheduled two days on which to hold hearings between 9am and 5pm

The Minister and the Chief Executive Officer of the relevant Department or Authority must attend the committee's hearings and may be questioned directly by Members. Members cannot ask questions of other public officials. However, a Minister or the Chief Executive Officer, may refer a question to another public official.

There is a provision for Questions on Notice which must be answered by 10am on the day prior to the hearing. Each Minister must provide answers to up to 20 Questions on Notice. At least 10 of the questions on notice are to be allocated to non-Government members of the committee.

Questioners at Estimates Committee hearings are allowed a wide range of scope, with questions ranging from items of detail to broad policy. The Minister may inform the committee that a question will be taken on notice and an answer will be provided at a later date.

When the committee's hearings are completed, the members meet, discuss the information gained and compile a final report. Any committee member can incorporate in the report a statement of reservations or a dissent to the majority committee report. The final



report is tabled in Parliament and each one is debated in the House during the Consideration-in-Detail stage before it is adopted.

Following the Consideration-in-Detail stage, the Treasurer then seeks leave of the House to move for the Third Reading of the Appropriation Bill(s). After the Third Reading, the bill has been passed by the Legislative Assembly and it is then taken by the Speaker to the Governor to receive Royal Assent. This then becomes the Government's Budget for the next financial year.

Review 6.1 Granting Supply

One of the most important powers that the Queensland Parliament holds over the Government is the control of the appropriation of



A. True



B. False

Check Answer

Scrutiny

One of the key functions of the Parliament is to hold the executive government accountable for its actions.



Introduction



A parliamentary committee hearing.

One of the key functions of the Parliament is to hold the executive government accountable for its actions.

This places an emphasis on the need for strong, effective systems of scrutiny as prominent processes of our Parliament.

Systems of scrutiny include parliamentary procedures such as question time and parliamentary committees.

The Queensland Experience



A parliamentary committee hearing.

Introduction

Parliament, defined in its simplest of terms, is the forum where the elected representatives of the people meet, plan, deliberate upon and review the government of the State and make laws for the effective and efficient conduct of the State.

Over time, the task of government has become more complex. As populations grew, many Parliaments were unable to deal effectively with the number and complexity of issues coming before them. This situation was further exacerbated by the development of strong political party systems.

To enable Parliaments to operate more effectively and give them access to more detailed information and the capacity to develop expertise on specific matters, small, special committees were established to investigate specific issues and report back to the larger forum.

It is common practice in Westminster style parliaments to form committees to deal with particular issues which concern the Parliament. For example, there are committees to deal with the internal business of administering parliamentary process, and committees which deal with the Parliament's tasks of review of legislation and scrutiny of Government activities.

A strong, active committee system is an asset in any functioning parliamentary democracy. A comprehensive system of parliamentary committees provides greater

accountability by making the policy and administrative functions of government more open and accountable. Committees provide a forum for investigation into matters of public importance and give Members the opportunity to enhance their knowledge of such issues.

In short, they allow the Parliament to enquire into whether the right decisions are being made at the right time and for the right reasons. At the same time committees effectively enhance the democratic process by taking the Parliament to the people and giving them a role in its operations.

A short history of the Queensland parliamentary committee system

In the 19th century, the Queensland Houses of Parliament used committees extensively to resolve many issues which came before them. Matters such as legislation, land transactions, sale of Government assets and policy proposals were subject to scrutiny by committees appointed by the Legislative Assembly. Frequently,

Legislative Assembly Members worked jointly with Legislative Council Members to deliberate on issues of concern.

By the early 1980s, there were only a few domestic committees (Privileges Committee, Printing Committee and the Subordinate Legislation Committee which had been established in 1975).

In the late 1980s, an invigorated committee system began to develop. Legislation was enacted in 1988 to establish the Parliamentary Committee of Public Accounts. Other committees were then established by legislation or appointed by resolution of the House to scrutinise various aspects of government policy and administration.

In 1989, the [Report of the Commission of Inquiry into Possible Illegal Activities and Associated Police Misconduct \(the 'Fitzgerald Report'\)](#)⁷ recommended that an Electoral and Administrative Review Commission (EARC) be established. One of the duties of EARC was to advise Parliament on the implementation of a 'comprehensive system of parliamentary committees to monitor the efficiency of Government'.

In 1992, EARC published its Report on Review of Parliamentary Committees.⁸ This report was reviewed and reported on by a

7. Commission of Inquiry into Possible Illegal Activities and Associated police Misconduct 1989, (G.E. Fitzgerald, Chairman), GOPRINT, Brisbane.

8. Electoral and Administrative Review Committee, Report on Review of Parliamentary Committees, October 1992, (Serial No. 92/R4).

parliamentary committee established to oversee EARC's work, the Parliamentary Committee for Electoral and Administrative Review (PCEAR). Both EARC and PCEAR recommended the enactment of legislation establishing a new system of parliamentary committees.

On 15 September 1995, the Queensland Parliament passed the *Parliamentary Committees Act 1995*. This Act provided for a stronger system of committees for the Legislative Assembly including the following committees:

- Legal, Constitutional and Administrative Review Committee,
- Members' Ethics and Parliamentary Privileges Committee,
- Public Accounts Committee,
- Public Works Committee,
- Scrutiny of Legislation Committee,
- Standing Orders Committee.

Minor changes to committees occurred in 2009 with the passing of the [Parliament of Queensland Amendment Act 2009](#). The Act established the Law, Justice and Safety Committee as a standing committee replacing the Legal Constitutional and Administrative Review Committee. In addition, the Act merged the Public Accounts Committee and the Public Works Committee into a single committee entitled the Public Accounts and Public Works Committee. On 23 April

2009, the Legislative Assembly established by resolution three new committees, the Economic Development Committee, the Environment and Resources Committee and the Social Development Committee. These reforms saw a shift towards a more subject-based committee system.

In February 2010, the Parliament established a committee, the Committee System Review Committee, to conduct an inquiry and report on how the parliamentary oversight of legislation could be enhanced and how the existing parliamentary committee system could be strengthened to enhance accountability.

The Committee tabled its report containing 55 recommendations on 15 December 2010. This committee recommended a system of portfolio committees which mirrored the various portfolio areas of government.

The Government supported the majority of the committee recommendations and, in February 2011, the Parliament established a select committee, the Committee of the Legislative Assembly, to consider the details of the new committee system.

[The Parliament of Queensland \(Reform and Modernisation\) Amendment Act 2011](#) was introduced on 5 April 2011 and received

Royal Assent on 19 May 2011. The Act implemented key reforms to the committee system including the establishment of a number of portfolio committees under Standing Orders to cover all areas of government activity, examine Appropriation Bills, other legislation and public accounts and public works.

On 16 June 2011, portfolio committees were established via changes to Standing Orders. The current portfolio committees are:

- Agriculture, Resources and Environment Committee,
- Education and Innovation Committee
- Finance and Administration Committee,
- Health and Community Services Committee,
- Legal Affairs and Community Safety Committee,
- State Development, Infrastructure and Industry Committee
- Transport, Housing and Local Government Committee.

Queensland's parliamentary committee system

The [Parliament of Queensland Act 2001](#) provides for the establishment of:

- the Committee of the Legislative Assembly with areas of responsibility that include the conduct of the Assembly and the ethical conduct of members
- portfolio committees with areas of responsibility that collectively cover all areas of government activity, and
- the Ethics Committee with areas of responsibility that include dealing with complaints about the ethical conduct of members and alleged breaches of parliamentary privilege.

A further committee, the Parliamentary Crime and Misconduct Committee (PCMC) is established under the [Crime and Misconduct Act 2001](#).

Committee membership

The size of membership of portfolio committees and the balance of Members between Government and non-Government Members Committees is based on formulae set out in the [Parliament of Queensland Act 2001](#) and depends on the political composition of the Legislative Assembly at any given time. The chair of a portfolio committee is nominated by the Leader of the House (see s 89 and s 90).

Role of portfolio committees

The role of the portfolio committees is to:

- consider the Appropriation Bills within their portfolio areas (acting as Estimates committees);
- consider other legislation and proposed legislation, including subordinate legislation, within their portfolio areas, unless the House otherwise orders (both technical and policy scrutiny of bills);
- scrutiny of public accounts and public works within their portfolio areas; and
- consider any other issue referred to the committee by the House. (s. 92 of the [Parliament of Queensland Act 2001](#)).

A portfolio committee may deal with these matters by considering them and reporting and making recommendations to the Assembly. Some portfolio committees also have oversight roles.

Powers of committees

The powers and procedures of committees come from three main sources:

- the [Parliament of Queensland Act 2001](#);
- the Standing Rules and Orders of the Legislative Assembly; and

- relevant Sessional Orders of the Legislative Assembly.

Parliamentary committees in Queensland have powers to:

- call for persons, documents and other things;
- hold public and private hearings;
- appoint sub-committees; and
- publish evidence and documents.

Calling for persons, documents and other things

The majority of witnesses appear before committees by invitation. Witnesses may be asked to give evidence on oath although this is not the usual practice.

Committees usually remind witnesses that a committee hearing is a proceeding of Parliament and that misleading the committee could amount to a contempt of Parliament.

Standing Orders (SO) 205 and 206 provide procedures for committees to observe in their dealings with witnesses. Parliamentary committees must also comply with instructions from the Legislative Assembly regarding witnesses. These are provided in Schedule 3 of the Standing Orders. Committees must provide a copy of Schedule 3 to witnesses before they give evidence.

Section 34 grants a person appearing before a committee the right to refuse to answer a question or produce a document or thing on the grounds of self-incrimination or if it is: (1) of a private nature; and (2) does not affect the subject matter of the committee's inquiry.

Though rarely used, Section 25 of the [Parliament of Queensland Act 2001](#) gives the Assembly the power to order a person to attend before a committee and also to produce any document or thing.

Holding public and private hearings

A committee may hold hearings in relation to an inquiry in public or in private.

Any person admitted to a public hearing of a committee may be excluded at the discretion of the chair or by order of the committee: Standing Order 208.

A Member of the Assembly who is not a committee member may also, by leave of a committee, participate in its public meetings and question witnesses, but is not entitled to vote with the committee, and must withdraw when the committee is deliberating: Standing Order 209.

A committee may authorise the broadcast of its public hearings, provided there is compliance with any rules which the House may have approved for broadcasting of committee proceedings: Standing Order 210.

Appointing sub-committees

A committee may appoint a sub-committee consisting of three or more of its members and refer to it any matter which the committee is empowered to consider. A quorum of a sub-committee is a majority of its members: Standing Order 220A.

Any sub-committee has the same powers, rights and immunities as the committee responsible for its appointment: Standing Order 220B(1) .

Publication of evidence

[Section 50\(1\) of the Parliament of Queensland Act 2001](#) provides that the Legislative Assembly may authorise publication of a parliamentary record.

[Section 50\(2\)](#) provides that a committee may authorise the publication of:

- evidence given before a committee;

- a document presented/submitted to a committee; or
- a document (including a report) prepared by the committee.

Standing Order 211 provides the proceedings of a portfolio committee, the Committee of the Legislative Assembly Committee or a select committee that is not open to the public or authorised to be published remains strictly confidential to the committee until the committee has reported those proceedings to the House.

Support provided to committees

A committee's secretariat generally comprises a Research Director, a Principal Research Officer and an Executive Assistant. In addition, committees may engage consultants to provide additional expert advice on particular issues.

The goal of the secretariat is to provide timely and accurate research, administrative and procedural support so that the committee can effectively fulfill its statutory and other responsibilities.

Assistance from government agencies

Three schedules to the Standing Orders of the Legislative Assembly provide detailed guidance for public servants dealing with parliamentary committees.

At estimates hearings, only the chief executives of entities listed in Schedule 7 – Chief Executive Officers may be directly questioned in accordance with Standing Order 181.

Schedule 8 – Code of Practice for Public Service Employees Assisting or Appearing before Parliamentary Committees provides explicit guidance for public service employees who are assisting the Parliament's committees in their scrutiny of executive government and legislation. Both the Government and the Legislative Assembly approved the code. In addition to general principles about providing full and honest answers and not commenting on the policies of the Government, the code discusses the provision of evidence in private session, the powers and responsibilities of committees and communications with chief executives and the rights of public servants appearing as witnesses. The code also deals with the rights of public service employees to participate in the work of parliamentary committees in a private capacity, the same as other citizens.

Schedule 9 – Code of Practice for Assistance to Portfolio Committees by the Auditor-General and the [Queensland Audit Office](#) provides guidance on the role of the Auditor General and the Queensland Audit Office in supporting the Parliament's committees.

Consideration of Bills by portfolio committees

The portfolio committees' consideration of bills is a crucial part of Queensland's legislative process.

Consideration of bills provides an opportunity for committee members to become more skilled and effective legislators.

Typically an early step in considering a bill is to call for submissions (evidence) from interested people and organisations.

The standard process

Step 1 – Committee decides on inquiry process

The first step undertaken when a bill is referred to a portfolio committee is to decide on the inquiry process and timetable.

Standing Order 133 provides a sign post to the potential elements of consideration of a bill by a portfolio committee. A portfolio committee may examine a bill by—

- calling for and receiving submissions about the bill;
- holding hearings and taking evidence from witnesses;
- engaging expert or technical assistance and advice; and
- seeking the opinion of other committees where relevant.

Step 2 – Call for Public Submissions

Step 3 – Initial Briefings on the Bill

Before submissions are made, a committee usually writes to the chief executive of the relevant department to seek a briefing from nominated departmental advisers.

Other briefings that the committee may receive during this information gathering phase are:

- a Parliamentary Library briefing paper (on some bills only);
- briefings prepared by the committee secretariat on policy issues;
- a report prepared by the scrutiny of legislation secretariat on the technical aspects of the bill including:
 - the application of fundamental legislative principles to the proposed legislation ([S.93\(1\)\(a\)](#) of the [Parliament of Queensland Act 2001](#)) and
 - the operation of the [Legislative Standards Act 1992](#).

Step 4 – Receipt and analysis of submissions

Once submissions are received, the committee may resolve to publish them, provided they are relevant and do not offend Standing Orders.

The committee will then potentially receive other briefings on submissions, including:

- a summary by the committee secretariat of the submissions received and an analysis of issues raised in submissions, based on the secretariat's independent research and expertise;
- a briefing from the government department, analysing the submissions in response to the committee's request; and
- advice from independent external experts engaged by the committee on specific issues in submissions.

Step 5 – Public hearing

The committee sets a date for a public hearing to take evidence from invited witnesses. Teleconference or videoconferencing may be used for hearing evidence. The hearing is an opportunity for committee members to examine the suggestions made by submitters and other witnesses and ask them about anything in their submission that requires clarification.

Step 6 – Consideration of material by committee – directions for report

Once final submissions have been heard the committee may request a further briefing from the department on any additional matters raised in the course of the public hearing. This is the stage at which the committee works out the general nature of any amendments it might wish to recommend to the bill.

Step 7 – Committee consideration of draft report

The secretariat prepares a draft report for the chairperson which is presented to all members.

Step 8 – Adoption of report and any dissenting report or statement of reservation

The secretariat makes amendments to the draft report as directed by the committee and presents it to the chairperson and then the committee for adoption.

Members may wish to make a dissenting report or a statement of reservation, which the secretariat will include with the main body of the committee report.

Step 9 – Tabling of the Report

Once the report is printed, the chairperson tables the report in the House.

After tabling of a portfolio committee report on a bill, that bill is set down on the notice paper for its second reading stage in the House: Standing Order 136(4).

A diagram of a typical process for a committee's consideration of a bill, spanning six months, is attached shown at the end of this chapter.

Subordinate legislation

Each portfolio committee has a responsibility to examine each item of subordinate legislation in its portfolio area (see [section 93 of the Parliament of Queensland Act 2001](#)).

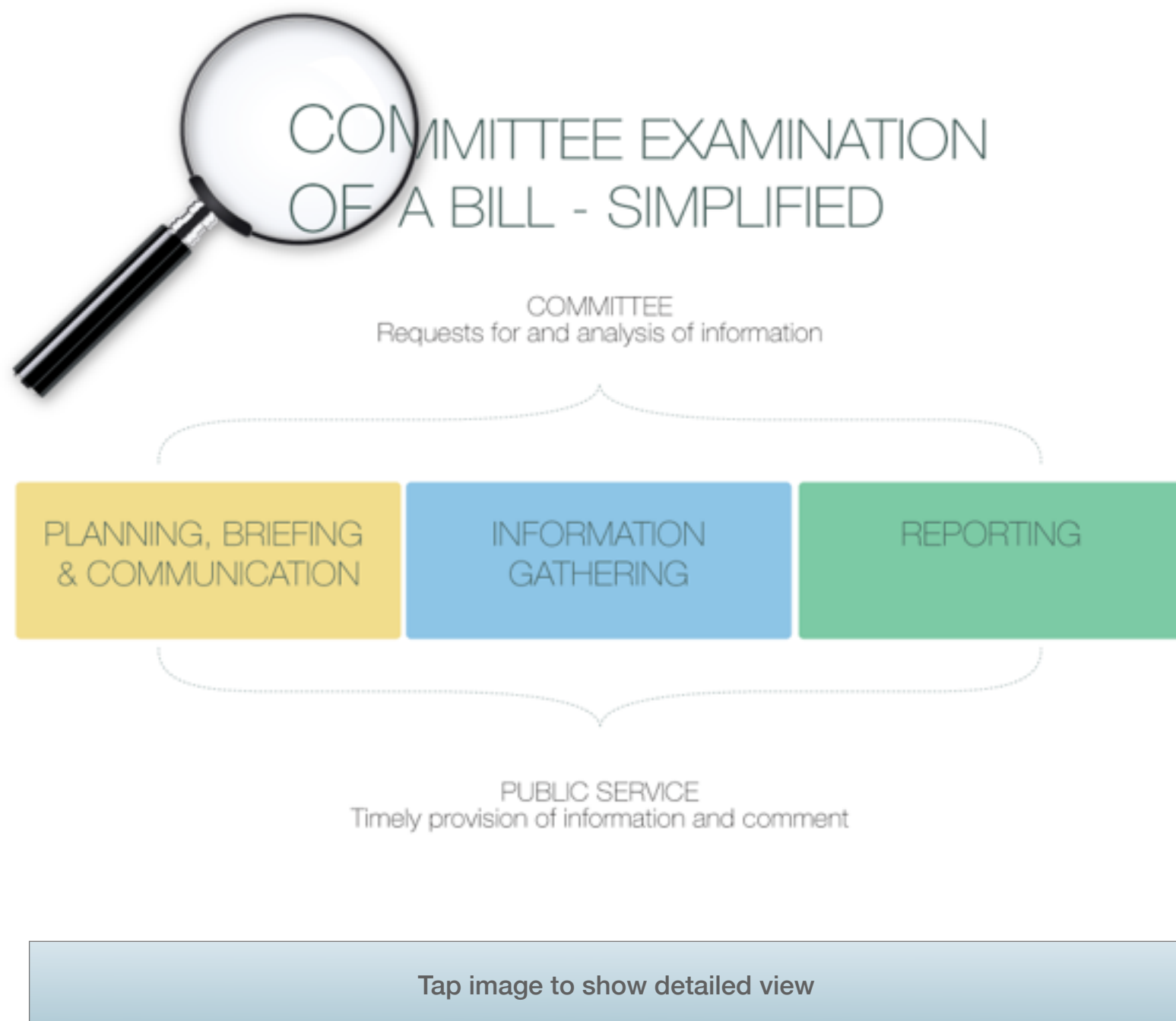
Public accounts and public works functions

In addition to its legislative responsibilities, each portfolio committee has responsibilities to scrutinise the public accounts and public works within the committee's portfolio area of responsibility as detailed in sections 94 to 101 of the [Parliament of Queensland Act 2001](#).

These are very broad responsibilities relating to government financial documents and the reports of the Auditor-General along with works undertaken by constructing authorities and Government Owned Corporations (s.94 of the [Parliament of Queensland Act 2001](#)).

Each portfolio committee has very wide discretion as to what inquiries it decides to undertake within its public accounts and public works responsibilities.

It is up to each portfolio committee to develop its own terms of reference, that are consistent with the Act, and to determine the form each inquiry should take.



Assistance of the Auditor-General

- Schedule 9 of the Standing Orders sets out a Code of Practice for Assistance to Portfolio Committees by the Auditor-General and the Queensland Audit Office.
- The Auditor-General and the Queensland Audit Office may assist a portfolio committee by:
- briefing a portfolio committee on the findings, opinions and observations contained in an audit report or a draft report;
- providing evidence at a public hearing, in relation to a strategic review of the Queensland Audit Office;
- providing advice to a portfolio committee for the purposes of an inquiry, if the inquiry relates to matters in which the Auditor-General and Queensland Audit Office has particular responsibilities or expertise; and
- providing advice to a portfolio committee in relation to a bill referred to that committee in which the Auditor-General and Queensland Audit Office has particular responsibilities or expertise.

Oversight functions of portfolio committees

Schedule 6 of the Standing Orders also sets out the oversight responsibility of some portfolio committees with respect to certain independent statutory office holders.

Question Time



Mr Tim Nicholls MP, Leader of the Opposition.

Accountability of Government

One of the most lively and politically opportunistic times in the parliamentary sitting day is Question Time. This is when the Chamber becomes a forum for the Opposition in particular to extract information, to question and to scrutinise the policies and actions of the Government.

This daily segment of each sitting day highlights one of the fundamental principles of responsible government, that is, accountability of the Executive Government to the Parliament and to the electorate.

Currently, with respect to the Order of Business for each Sitting Day, Question Time usually commences at 10.00 am and concludes at 11.00 am on Tuesdays and Thursdays and occurs between 2.30 pm and 3.30 pm on Wednesdays.

Both public and media attention is usually focused on this one hour period of parliamentary business each sitting day.

Points of interest about Question Time

Questions must conform to certain rules in Standing Orders. The Speaker has the final authority on admissibility of questions and may edit or disallow a question considered frivolous or offensive.

Questions must relate to matters for which Ministers are officially responsible.

Subject matter which is considered “sub judice” is not permissible.

A response to a question should not include a debate on the subject but instead provide relevant information.

Types of Questions

Questions without Notice

Ministers are asked questions without notice by Members of Parliament during Question Time.

The first two questions without notice are asked by the Leader of the Opposition. The remaining questions are asked by Government Members and non-Government Members in turn.

Questions without notice are used frequently by the Opposition for a strategic “attack” on the Government. If Ministers are unable to produce the required information, then the question is placed on notice and a written response is supplied at a later date.

Questions from Government Members are often referred to as “Dorothy Dix” questions. This term refers to the famous American advice columnist journalist Dorothy Dix as it was suggested that she not only wrote the answers in her column, but also wrote the questions.

Questions on Notice

Questions on notice are used usually when a detailed answer is required. Each Member of Parliament is entitled to ask one question on notice each sitting day. The text of all questions on notice asked each sitting day is published in the Questions on Notice section of the next day’s Notice Paper.

Answers from the Minister’s office must be lodged electronically with the Table Office within 30 calendar days. Answers are published on the Parliament’s website and distributed by email to the Member who asked the question and other clients who have subscribed to receive answers to questions on notice.

Standing Orders regarding Questions

The following is an extract from the Standing Rules and Orders in relation to Questions.

110. Questions to Ministers

- (1) Questions to Ministers may be:
 - (a) asked orally without notice in accordance with SO 113; and
 - (b) placed on the Notice Paper in accordance with SO 114 for written reply.
2. Questions to members and the Chairperson of a committee shall only be in accordance with SO 111.

111. Questions to members and Chairperson of a committee in lieu of to a Minister

1. A member may ask a question on notice of any member of the House relating to any bill or motion on the Notice Paper of which the member has charge in lieu of a question to a Minister in accordance with SO 114.
2. A member may ask a question on notice of the Chairperson of a committee relating to the activities of that committee in lieu of a question to a Minister in accordance with SO 114.
3. Questions may not be put to the Speaker.

112. No debate on asking questions

In asking a question, no argument or opinion shall be offered, or any fact stated, except so far as is necessary to explain the question.

113. Questions without notice

1. Questions may be put to a Minister without notice relating to:
 - (a) public affairs with which the Minister is officially connected or to any matter of administration for which the Minister is responsible; or
 - (b) proceedings pending in the Legislative Assembly for which the Minister is responsible (but discussion must not be anticipated).
2. Each member may ask a Minister one question without notice each sitting day in the time allocated for Question Time, except for the Leader of the Opposition who may ask two questions without notice.
3. If an answer to a question requires too much detail, a Minister may request the member to place the question on notice to be answered on the next sitting day.

114. Questions on notice

1. Each member may ask one question on notice each sitting day.
2. Every question on notice shall be lodged with the Clerk by the end of Question Time each day.
3. Where a question on notice from a member is delivered to the Clerk it shall be included on the Notice Paper for the following sitting day.

4. A question on notice shall be typed or fairly written and signed by the member.
5. The relevant Minister or member shall answer the question by supplying a copy of the answer to the Table Office within 30 calendar days.
6. An answer to a question on notice is deemed to be tabled when it is received by the Table Office and its receipt is noted by the Clerk or their nominee.

115. Rules for questions

The following general rules shall apply to questions without or on notice:

- (a) Questions shall be brief and relate to one issue.
- (b) Questions shall not contain:
 - (I) lengthy or subjective preambles;
 - (II) arguments;
 - (III) inferences;
 - (IV) imputations;
 - (V) hypothetical matters; or
 - (VI) names of persons, unless they are strictly necessary to render the question intelligible and can be authenticated.
- (c) Questions shall not ask for:
 - (I) an expression of opinion;
 - (II) a legal opinion; or
 - (III) an answer that would contravene the rules relating to matters sub judice.
- (d) Questions shall not be asked which reflect on or are critical of the character or conduct of those persons whose conduct may only be challenged on a substantive motion.
- (e) Questions shall not refer to, or require the disclosure of, proceedings of a committee not yet reported to the House.
- (f) Questions to a Chairperson of a committee shall not attempt to interfere with the committee's work or anticipate its report.
- (g) Questions may be asked to elicit information regarding business pending on the Notice Paper, but debate on the matter must not be anticipated.

116. Powers of Speaker regarding questions

The Speaker may direct that the language of a question be changed or the question not be published, if, in the opinion of the Speaker, it is unparliamentary or does not conform with these Standing Orders, Sessional Orders or practices of the House.

117. Restrictions on naming at-risk children

- (1) A member may ask any question without or on notice of a Minister concerning a child subject to the *Child Protection Act 1999* or the [Youth Justice Act 1992](#) so long as the question complies with these Standing Orders.
- (2) A member should ensure that any question concerning a child subject to the *Child Protection Act 1999* or the [Youth Justice Act 1992](#) is asked in a non-identifying manner such as by replacing any identifying features likely to lead to the identification of the child with a cipher such as “[name withheld]”.
- (3) A member choosing to replace an identifying feature with a cipher when asking a question shall provide the Clerk with the “key” to the full identifying features relating to the question.
- (4) Any member may request from the Clerk access to the “key” to the full identifying features relating to the question and the Clerk shall provide access.

- (5) For the purpose of these Standing Orders, the term “non-identifying manner” refers to information which if published would identify, or would be likely to lead to the identification of, a child the subject of either the *Child Protection Act 1999* or the [Youth Justice Act 1992](#).

118. General rules for answers

The following general rules shall apply to answers:

- (a) in answering a question a Minister or member shall not debate the subject to which it refers; and
- (b) an answer shall be relevant to the question.

Parliamentary debates



The Speaker presides over the House, 2015.



Parliamentary debates provide an opportunity for examination and scrutiny of Government policies and actions.

Standing Rules and Orders and the observation of certain conventions accompany the conduct of debate in the House. These include a limit on the time a Member may speak in debates and the use of the gag and guillotine to curtail the debate.

The use of parliamentary privilege is also relevant to debates in the House. The famous [Bill of Rights of 1689](#), passed in the House of Commons in the United Kingdom, ensures that today Members are allowed freedom of speech in Parliament. Members may not be sued for defamation for their statements made in the House.

Address-in-Reply

Each new Parliament is formally opened by the Governor, who delivers an Opening Speech outlining the Government's program for the forthcoming session. On the third meeting day of the new Parliament (unless otherwise ordered by the House) a motion is moved for a formal Address in Reply, expressing thanks to the Governor, loyalty to the Sovereign and a determination to work for the betterment of Queensland. This is moved and seconded, traditionally, by two new Members of Parliament.

A maximum of 28 hours is allocated for a general debate on the Government's proposed programs. This also offers an opportunity for Members to speak on subjects of their own choice. Maiden speeches are often made during these proceedings.

Adjournment debate

This general debate occurs in the Queensland Parliament on Tuesday, Wednesday and Thursday following the motion by the Leader of the House to adjourn the House. The time allotted for the debate is half an hour, with each Member participating in the debate allowed three minutes to speak on almost any subject. This provides Members and in particular the Opposition with a further opportunity to scrutinise the Government. It also provides a forum for all Members to speak on parochial matters.

Debate on parliamentary committee reports

Tabled Parliamentary Committee reports are debated between 11 and 12 noon on Thursday, provided the report is not:

- A report on a bill as set out in Part 5 of the Standing Orders;
- An annual report of a Committee;
- A report on travel by a Committee;
- A report of the Ethics Committee; or
- A report by a Committee on subordinate legislation.

A motion is moved that the House is to take note of the committee report and this motion cannot be amended. In this debate, participating Members may each speak for five minutes.

Financial debates

The Budget is the Government's annual financial statement of income and expenditure. The Treasurer introduces the Appropriation bills, which are debated like any other bill. The estimates contained in the bills are examined in detail by the Estimates Committees. The reports of each of the Estimates Committees are then debated in the House.

Legislation debates

The debating of the contents and implications of a bill is an integral and most important function during the passage of legislation. The bill is debated clause by clause during the Consideration in Detail stage. Amendments to the bill may then be proposed.

Private Members' motions

During the morning session of a Tuesday sitting day between 9.30 am and 10.00 am, a Member (or Members) may give notice of a motion for debate to take place for one hour between 5.30 pm and 6.30 pm of that sitting day. A copy (or copies) of the debate topic is given to The Clerk of the Parliament. If more than one Member moves a motion, the Leader of the House, in consultation with the Opposition, decides which topic will be debated.

The first speaker of the debate is the mover, who is allocated 10 minutes and the other Members who speak, are each allocated five minutes. Usually the Speaker curtails the debate five minutes before the conclusion time, in order to allow time for any division.



The Hon Anastacia Palaszczuk MP, Premier of Queensland, addressing the Legislative Assembly.

Review 7.1 Scrutiny

Questions without Notice may be put to a Minister about

- ☐ **A.** Public duties with which the Minister is officially connected
- ☐ **B.** Any matter of administration for which the Minister is responsible
- ☐ **C.** Proceedings pending in the Legislative Assembly for which the Minister is responsible
- ☒ **D.** All of the above

Check Answer

The first speaker of the debate is the mover, who is allocated 10 minutes and the other Members who speak, are each allocated five minutes. Usually the Speaker curtails the debate five minutes before the conclusion time, in order to allow time for any division.

Representation

The role of a Member of the Legislative Assembly is a multi-functional one.

BALLOT PAPER

Representation



The Legislative Assembly Chamber.



Role of a Member of Parliament

The role of a Member of the Legislative Assembly is a multi-functional one. Members have a responsibility to three primary groups in their capacity as:

- the elected representative of an electorate;
- a Member of Parliament; *and*
- a member of a particular political party (the exception being for Independents).

Representative of an Electorate

As a representative of all the constituents in their electorate, the demands on the Member and his/her electorate office staff can be many and varied. This role involves:

- giving assistance and advice to those in difficulty;
- acting as a lobbyist for local interest groups;
- being a communicator for his/her party's policies; *and*
- playing an active community role.

Member of Parliament

Their parliamentary functions may include:

- enacting and debating legislation;

- scrutinising legislation and the actions of the Government and Government Departments as members of parliamentary committees;
- participating in general debates in the House;
- attending parliamentary party meetings;
- availing themselves to their constituents who may visit Parliament House;
- providing interviews for media; and
- performing other duties within the parliamentary complex such as guest speaker roles.

Member of a political party

If the Member is a member of a political party, the MP attends **parliamentary party meetings** during the sitting of the House. These meetings involve:

- planning strategies;
- developing policies;
- scrutinising proposed legislation; and
- discussing parliamentary business.

In their **electorates**, their party responsibilities include:

- attending branch party meetings;
- keeping their fellow party members well informed on policy decisions and other relevant information;
- participating in party debate at branch level; and
- generally representing the party at the electorate level, where appropriate.

Representation

George Elliott CMG



*First Speaker of the Legislative Assembly of
Queensland from 22 May 1860 to 13 July 1870*

The Speaker

Historically, much of the tradition and dignity of the Parliament has centred on the office of the Speaker. References to the position of Speaker in the English Parliament date back as far as 1377, when Sir Thomas Hungerford was the first to be called Speaker. The Speaker traditionally came to be regarded as the spokesperson of the Commons, before the Sovereign. In the Queensland Parliament, the Speaker is elected by a secret ballot involving all Members of Parliament. This occurs when a new Parliament meets following a general election. The Government's nominee is usually successful due to the Government party or parties having a majority of Members in the House.

The Speaker is the representative of the Legislative Assembly, and as well as presiding over its sittings is also in control of conduct of persons on the parliamentary precinct. The Speaker's duties can be categorised as procedural and ceremonial. These duties are in addition to the responsibilities that the Speaker carries as a Member of Parliament representing an electorate.

Procedural duties include:

- guarding the rights, powers and immunities (privileges) of the Legislative Assembly
- enforcing the observance of all Standing Rules and Orders while the business of the House is conducted, maintaining order in the House
- putting questions on which Members vote and announcing the results of each vote. The Speaker has a casting vote on a tied vote
- voting in the House in his or her capacity as a Member of the Legislative Assembly, that is, when not acting as the presiding officer of the House. This would occur in a hung Parliament, when the Deputy Speaker was occupying the Speaker's Chair and a division was called. The Speaker's vote would be required to carry the vote for the Government
- issuing by-election writs.

Ceremonial duties include:

- acting as the representative of the House in its relations with the Crown, including reading messages from the Governor and presenting Appropriation bills for Royal Assent
- acting as the representative of the House in its relations with other authorities and persons outside Parliament.



Hon Peter Wellington MP, Speaker of the Queensland Parliament.

Lewis Adolphus Bernays
CMG, FLS, FRGS



*First Clerk of the Legislative Assembly of
 Queensland from 1 April 1860 to 22 August 1908*

The Clerk of the Parliament

The Clerk of the Parliament is appointed by the Governor, by Commission, on advice tendered by the Premier and is the highest ranking permanent officer in the Parliament. Upon appointment to the office, the Clerk makes a declaration at the Table of the Assembly ‘... to make true entries, remembrances and journals of the things done and passed in the Legislative Assembly.’

The Clerk of the Parliament has a dual role and responsibility.

As the principal officer of the Parliament, the Clerk:

- is the provider of advice to the Speaker, Ministers and Members of Parliament with respect to the proceedings of the Legislative Assembly and its committees. The Clerk provides advice on the role, practice and procedure of the Queensland Parliament;
- is also the custodian of all records and other documents laid before the House;
- certifies all bills passed by the Legislative Assembly (except for *Appropriation Bills*), and presents them to the Governor; and
- conducts the swearing-in of Members of the Legislative Assembly at the opening of a new Parliament.

Under the *Parliamentary Service Act 1988*, the Clerk is the Chief Executive of the Parliamentary Service and is the Accountable Officer for the Parliament under the *Financial Administration and Audit Act*. As the Chief Executive, The Clerk is responsible to

the Committee of the Legislative Assembly for the efficient and economical management of the Parliamentary Service, which provides procedural, information, reporting, research and other support services to the Members of Parliament to assist them in fulfilling their constitutional and parliamentary responsibilities.

The Clerk of the Parliament



The Clerk of the Parliament - Neil Laurie

Review 8.1 Representation

QUESTION 1 OF 2

The highest ranking permanent officer in the Parliament is

- ☐ **A.** The Speaker
- ☒ **B.** The Clerk of the Parliament
- ☐ **C.** The Sergeant at Arms
- ☐ **D.** The Usher of the Black Rod



Check Answer



Parliamentary Practices and Procedures

The Westminster system of government was brought to Australia during the period of colonisation of our country by the British. With this system of government came also the customs, traditions and ceremonies of the Imperial Parliament at Westminster.



Sergeant at Arms: Michael Watkin



Parliament Practices and Procedures



His Excellency Mr Paul de Jersey AC, Governor, arriving for the Opening of Parliament, 2015

The Westminster system of government was brought to Australia during the period of colonisation of our country by the British. With this system of government came also the customs, traditions and ceremonies of the Imperial Parliament at Westminster.

This is evident from the formal ceremonial opening of a new parliament, to the day-to-day procedures and practices which occur in our Legislative Assembly.

They all embody the key tenets of parliamentary democracy – representation and responsibility. By these practices, our Parliament is able to fulfil its role – that is to legislate, to provide finance, to scrutinise, to inform and to represent the people.

Address-in-Reply

The Address-in-Reply is a formal expression of loyalty to the Crown and thanks to the Governor for his/her Opening Speech delivered at the opening of a new Parliament.

Two newly elected Members of the Legislative Assembly are selected by the Government to move and second the formal Address-in-Reply to the Governor's speech.

A general debate on the Address-in-Reply then follows for up to seven sitting days. The debate allows for :

- new Members to make their maiden speeches;
- Members from both sides of the House to debate the Government's policies and agenda;

- the Opposition to outline its policies; and
- any Member to speak on any matter relevant to their particular electorate.

Following the consensus of the House to the Address-in-Reply, a copy of it is formally presented to the Governor at Government House. This is carried out by the Speaker, accompanied by the Sergeant-at-Arms bearing the Mace, the proposer and seconder of the Address and any other Members who wish to attend. The Governor then makes a reply which is presented to the House by the Speaker at the next sitting of Parliament.

Adjournment Debate

On each Tuesday, Wednesday and Thursday, when the Question, 'That this House do now adjourn,' is proposed by the Leader of Government Business or a Minister at the conclusion of the day's sitting, a 30 minute debate ensues in which Members from all sides of the House may each speak for no longer than three minutes on any matter of their choice.

Sessional Orders may expand the number of days this debate takes place. On any other sitting day, no such debate takes place upon the close of the business of the House.

The House is adjourned only by its own resolution, except when the Speaker may adjourn the House in the absence of a quorum.

Closure or 'gag'

A closure is a parliamentary procedure used to bring about an abrupt curtailment to a debate. The introduction of such a procedure was to assist in the effective management of parliamentary business by speeding up the passage of legislation when required.

A closure is affected by the House voting on the motion, 'That the Question now be put,' which may be moved by any Member (usually the Leader of the House).

Some critics argue that such restrictions placed on the debate of legislation may stifle opposition to particular legislation and disallow genuine debate on the matter before the House.

Condolence Motions

In order to express the condolences of Parliament in the event of the death of a sitting Member or former Member of the Parliament, or an event which involves a major tragedy, such as the Port Arthur massacre (1996) and the natural disasters in Queensland (2011), a motion is moved in the House.

Members are then provided with the opportunity to express on behalf of themselves, their political party or their electorate, messages of sympathy to the bereaved families. Family members may be present in the Public Gallery to hear these messages.

In relation to the death of a Member or former Member of Parliament, the speeches encompass the personal life, the political and the parliamentary life of the deceased. At the conclusion of these speeches, a one minute silence is observed by the House.

Dissent Motions

A motion of dissent may be moved against the rulings of the Speaker by the Opposition.

Dissent from the rulings of the Speaker:

- must be by motion on notice;
- notice of such a motion must be given within one sitting day of when the ruling occurred;
- the motion shall be considered within three sitting days of that on which the notice on motion was given.

Divisions

Making decisions in the Chamber: Divisions

A division is the formal method of determining a vote in Parliament. When a vote is called, the Speaker states the question to be decided and the Members present respond by saying ‘aye’ or ‘no’. The Speaker announces whether they feel the majority voted for the ‘ayes’ or for the ‘noes’. This is called voting ‘on the voices’.

Any Member who has voted against the majority as declared by the Speaker may then call “divide” if they wish a formal vote to occur. The Speaker must then order a division whereby the number of votes for each side are formally counted and a record is produced showing how each member has voted.

Ringling the division bells

When the Speaker announces that a division has been called, electronic bells are rung throughout the parliamentary complex. This lets Members who are not in the Chamber know that a division has been called and gives them time to get to the Chamber and vote. The bells ring for four minutes.

Locking the Chamber doors

When the bells have stopped ringing, the doors of the Chamber are locked. After that, Members cannot enter or leave until the division is finished.

Party voting

The Queensland Parliament adopted amendments to its Standing Rules and Orders on 11 February 2014, introducing a party voting system for divisions. Party voting involves a block of votes being put forward on behalf of members of a party when a division is called in the Parliament. This method of voting is also used in the Legislative Assembly of Victoria and the New Zealand Parliament and is designed to streamline the Parliament's voting process. Party voting maintains all opportunities for each individual Member of Parliament to vote as they choose during divisions.

The procedure for party voting is outlined below:

- (1) When the bars have been closed, the Speaker shall state the question to the House.
- (2) To cast their votes, members must sit in their allocated places in the Chamber. By doing so, members of parties are deemed to be voting to support the response of their party members given at the

time the Speaker originally put the question, unless they inform their whip, or representative, that they intend casting a contrary vote.

- (3) First the Speaker asks the whip of each party, or their representative, to report the party's votes; parties are asked to report in the order of the size of their parliamentary membership.
- (4) Each whip reports the number of "Ayes" or "Noes". The report must only relate to votes cast by members present in the Chamber and every member present must vote.
- (5) After the votes have been reported by the parties, any member who is voting contrary to their party will cast a vote.
- (6) The Speaker then asks any independent member to cast their vote.
- (7) The whip of each party, or their representative, may before the result of the vote is announced by the Speaker, challenge the report of votes given by another party. If the report is challenged, the Speaker may direct that the matter be resolved by a personal vote.
- (8) The Speaker announces the result to the House.

(9) The whip of each party, or their representative, will immediately advise the Speaker of the names of those members of their party that were not present for the vote.

(10) The Clerk will record the result of the vote and the names of those members voting “Aye” and “No” and publish those details in the Record of Proceedings.

Conscience debates

When a party decides that a particular issue will be a conscience debate, Members belonging to that party are able to vote according to their own beliefs rather than being bound by their party conventions to vote in support of their party’s position. While conscience debates are rare in the Queensland Parliament, they generally attract much interest and attention. Some recent examples of conscience debates in the Queensland Parliament were for the following bills:

Civil Partnerships Bill 2011

Surrogacy Bill 2009

Prohibition of Human Cloning Bill 2003

Regulation of Research Involving Human Embryos and Assisted Reproductive Technology Bill 2003

A party whip will advise the Speaker in advance if their party is to have a conscience debate on an upcoming division.

Personal votes

The procedure for voting in a conscience debate will be by ‘personal voting’ rather than ‘party voting’. A personal vote will also be held if a whip challenges the result of a party vote.

The procedure for personal voting will follow the process for how divisions previously occurred in the Queensland Parliament prior to the introduction of party voting. This procedure is outlined below:

(1) When the bars have been closed, the Speaker shall state the question to the House, and then direct the “Ayes” to proceed to the right of the Chair and the “Noes” to the left.

(2) After members have divided, the Speaker shall appoint two tellers from each side. If two tellers cannot be found for one side of the question, the Speaker must immediately declare the resolution of the House. The member who called for the division may ask for their dissent to be recorded in the Record of Proceedings. The Speaker then directs the Clerk to record that dissent.

- (3) The tellers shall count the members voting and record the vote of each member present on the division sheets.
- (4) A member may not change their vote once the tellers have been appointed.
- (5) The tellers shall report the numbers to the Speaker.
- (6) The Speaker shall announce the result of the division to the House.
- (7) In case of confusion or error concerning the numbers reported, unless it can be otherwise corrected, the House shall proceed to another division on the question.
- (8) The names of the members who have voted are recorded in the Record of Proceedings.

Tied result

If there are an equal number of votes for the 'ayes' and 'noes', the Speaker has a casting vote. The Speaker may give reasons for the casting vote and those reasons are entered in the Record of Proceedings.

Members arranging not to attend a division (pairing)

Sometimes a member knows that they will miss a division. The member can arrange for another member to be absent too. The other member must intend to vote the opposite way, therefore reducing the votes for both the 'ayes' and 'noes' by one. This is called pairing. Pairing is not an officially recognised procedure of the Legislative Assembly, simply an agreement between members. Pairs are not recorded in the Record of Proceedings or in Hansard.

9. If the House is not sitting when the Clerk receives a ministerial response to a petition, the response is deemed to be tabled when it is received by the Clerk (SO 125(4)).

Guillotine

The guillotine is a parliamentary procedure by which a time limit is applied to the debate at the various stages of the passing of a bill. Each Government and Opposition speaker is restricted to a set time limit in which to speak.

In accordance with Standing Rules and Orders, the guillotine is effected by the carrying of a motion moved by a Minister that the bill be declared urgent.

It is generally applied when legislation is being strongly contested by the Opposition or when the Government is attempting to complete a legislative program within certain time constraints.

Matters of Public Interest

Each Tuesday of a sitting week, following Question Time in the House, one hour is allocated for Members to speak on issues of public interest. The Leader of the Opposition (or his or her nominee) opens the debate with a 10 minute speech. The remaining speakers may speak for five minutes. This provides an opportunity for backbenchers in particular, to raise public awareness on certain matters.

Ministerial Statements

Ministerial Statements are announcements made by Ministers with the approval of Cabinet, concerning policies and decisions relating to their respective portfolios. If the Minister moves 'that the House takes note of this Statement' this allows equal time to be given to the Leader of the Opposition, or his or her nominee, to reply immediately or at a later date. The Minister gives a hard copy of his/her statement to the Clerk of the Parliament at the completion of the statement. A copy of the Ministerial Statement in electronic form is submitted to the Chief Reporter of Hansard.

Opening of Parliament

Following a State election, the political party or coalition of parties which holds the majority of seats in the Legislative Assembly is asked by the Governor to form a Government. From 1941 to 2004, Queensland's Ministers were sworn in as Members before the first sitting day in a ceremony held in the Cabinet room of the Executive Building. In 2004, the Premier agreed to streamline the process by having all Members sworn in on the first sitting day in the Legislative Assembly Chamber. This is followed by the election of a Speaker.

Members of Parliament then assemble in the Legislative Council Chamber for the opening of Parliament by the Governor. This may

occur on the following day. The Speaker reports to the Members on his/her presentation to the Governor as the newly elected Speaker.

Upon arrival at Parliament House, the Governor inspects a guard of honour and the national anthem is played. The Governor accompanied by the three Service Chiefs and staff is led by the Sergeant at Arms to the Legislative Council Chamber.

Trumpeters herald the arrival of the Governor. The Speaker grants permission for the Governor to enter the Chamber and accompanies the Governor to the dais.

The Governor delivers the Opening Speech to Parliament in which the affairs of the State are reviewed and the Government's future plans are outlined.

At the conclusion, the Governor leaves the Chamber. The Speaker and the Members return to the Legislative Assembly Chamber to continue their sitting.

The House is then adjourned. The Governor, Members and their guests then attend a garden party on the Speaker's Green.

Pairs

Although not recognised in Standing Rules and Orders, the pairs system is an established part of parliamentary procedure.

When a Member of Parliament is absent from Parliament for any number of reasons, an arrangement may be made between the Government and Opposition Whips for a Member of the opposing side to abstain from voting. This means the voting strengths on both sides remain unaffected.

In the Queensland Parliament, if a Member cannot secure a 'pair', he or she can give a proxy to a fellow Member when two doctors certify in writing that the Member is unable to attend sittings.

Personal Explanations

This parliamentary practice gives Members of Parliament the opportunity to address the House to explain matters that are of a personal nature. These matters may not concern the Member's party or in the case of a Minister, his/her Government Department. A Member may not make charges against another Member whilst making this personal explanation.

Such matters may not be debated. Leave for Personal Explanations is given at the discretion of the Speaker.

Petitions

A petition is a formal written document expressing a particular grievance by a person or persons, which is presented to the Parliament through a Member of Parliament. It includes a request for Parliament to act upon the petition.

The role of Parliament is to represent the interests of the people. The ancient right of citizens to petition is the only avenue through which individuals can place their grievance(s) directly before Parliament.

A petition:

- can be sponsored by a Member of the Legislative Assembly or by the Clerk of the Parliament;
- is lodged with the Clerk of the Parliament where the format is checked for conformity to Standing Rules and Orders;
- is presented to the House at the beginning of a parliamentary day;
- summary is read by the Clerk to the House;
- summary is recorded in the Parliamentary Record;
- becomes a tabled document of the Parliament;
- is added to the petition's website;
- is referred by the Clerk to the appropriate responsible Minister;
- response is due from the Minister within 30 days;

- response becomes a tabled document⁹;
- response is published on the petition's website; *and*
- remains the property of Parliament and is kept in the parliamentary archives.

Currently, Sessional Orders of the Legislative Assembly provide for two types of petitions:

- e-Petitions; and
- Paper Petitions.

A Principal Petitioner may choose to run both an electronic petition and a paper petition on the same issue in order to reach the widest possible audience. Further information on e-Petitions is available on the Queensland Parliament web site at www.parliament.qld.gov.au.

Prayers

During the first session of the First Parliament, Henry Jordan, Member for Brisbane North, introduced a motion to open each sitting day of Parliament with a prayer. The motion was approved 20 votes to 2.

Now, at the commencement of each sitting day, the Speaker opens proceedings with the Lord's Prayer.

After prayers, the Speaker acknowledges the traditional owners of the land on which Parliament is assembled and the custodians of the sacred lands of Queensland.

Private Members' Statements

Each Thursday, from 2.30 pm to 4 pm, the Speaker will call on any Member who wishes to make a statement to the House on any topic of concern. The call is alternated between Government and Opposition members with the Leader of the Opposition given the first opportunity to speak. Each speaker is given a time limit of two minutes.

Sessions

The life of a Parliament extends from the summoning of Parliament by the Governor following a general election, until that Parliament is dissolved for the next general election. Under the Constitution, the maximum life of a Queensland Parliament is three years.

The life of a Parliament is divided into sessions. Each session is a specific nominated period of time when the Parliament conducts its business. The number and duration of sessions per Parliament is determined by Cabinet.

Review 9.1 Parliamentary Practices and Procedures

QUESTION 1 OF 2

Queensland operates under the Westminster model of government?



A. True



B. False



Check Answer



Sitting Days

A sitting day is a day when Parliament meets to deal with its business. It commences when the Speaker takes the Chair and opens with prayers. It closes when the House is adjourned. The sitting may be temporarily suspended for meal breaks.

Under current Sessional Orders, sitting days in the Queensland Parliament are Tuesday, Wednesday, Thursday and when the occasion necessitates, on Friday.

Sitting hours on Tuesdays and Thursdays are from 9.30am until adjournment and on Wednesdays from 2 pm until 10 pm unless by its own resolution the House adjourns earlier or later.

Speaker's Election

Following the swearing-in of Members in the Legislative Assembly, the longest serving Member of the House (not being a Minister) presides over the House for the purpose of the election of a Speaker.

Nominations are called. If there is more than one nomination, a debate may ensue and then a secret ballot is taken. The elected Member is conducted to the Speaker's Chair by his/her proposer and seconder. The successful candidate traditionally displays a certain reluctance as he/she is escorted to the dais. This dates back to the earlier times

when some Monarchs made the role of the Speaker a very dangerous position to hold.

Congratulatory speeches follow. The Premier informs the House that the Governor will be pleased to receive Members for the purpose of presenting the Speaker to His/Her Excellency at Government House that afternoon.

The House is then adjourned.

Swearing-In of Governor

The [Constitution of Queensland Act 2001](#) states that 'the Queen's representative in Queensland is the Governor, who shall hold office during Her Majesty's pleasure'. The Governor is appointed by the Sovereign by Commission on advice tendered by the Premier.

The [Constitution of Queensland Act 2001](#) provides that any person appointed to the Office of Governor shall have their Commission read and published 'at the seat of Government in the State' and that the Governor-designate shall, in the presence of nominated persons, take the Oath of Allegiance and the Oath of Office. These constitutional requirements are fulfilled at the ceremonial swearing-in of the Governor at Parliament House.

At the swearing-in ceremony, in the presence of the Premier, the Chief Justice of Queensland, the Speaker of the Parliament, distinguished guests and members of the community, the Governor-designate will convey to the Chief Justice:

I wish to inform you that I have been appointed Governor of Queensland and its dependencies in the Commonwealth of Australia by Her Majesty Queen Elizabeth the Second by Commission under Her Majesty's Sign Manual dated the

The Oath of Allegiance and the Oath of Office are then administered to the Governor-designate by the Chief Justice. When this process has been officially certified, the Clerk of the Executive Council will then present to both the Governor and the Premier for their signatures the Proclamation notifying that the new Governor has assumed the Office of Governor of Queensland and its dependencies.

The Clerk will then read the Proclamation and conclude with the words 'God save the Queen' upon which a fanfare is played, accompanied by a 19-gun salute and the Governor's standard is broken over Parliament House.

The new Governor is then congratulated by the Chief Justice, followed by the Premier and the Leader of the Opposition.

Swearing-In of Members

When the electoral writs have been returned following a State election, the Governor calls on the party or coalition of parties with a majority in the Legislative Assembly to form a government.

The Ministers of the Crown who are also members of the Executive Council, are sworn in as Ministers and members of the Executive Council by the Governor at Government House. The Governor then issues a proclamation announcing the date for the opening of the new Parliament.

The Clerk of the Parliament swears in the Ministry as Members of the Legislative Assembly in a separate ceremony held in the Cabinet room at the Executive Building.

On the day prior to the official Opening of Parliament, the remaining Members of Parliament assemble in the Legislative Assembly Chamber to be sworn in. The Sergeant at Arms places the mace on the brackets below the Assembly Table.

The Clerk of the Parliament reads the Governor's Proclamation summoning Parliament. The Clerk then reads the Commission to open Parliament. The session is then opened by the Premier.

A second Commission is read by the Clerk, authorising the Clerk to administer the Oath or Affirmation to Members. The Clerk then reads the writ which has been returned for the recent general election of Members to the Legislative Assembly. Members take an Oath or Affirmation of Allegiance to Her Majesty and then sign the Roll of the Members.

A similar procedure takes place when a new Member is sworn in following a by-election. The Speaker informs the House that the writ for the by-election has been returned with a certificate by the Returning Officer.

The new Member is escorted by two Members into the House and introduced to the Speaker. Following the administering of the Oath or Affirmation, the new Member signs the Roll of Members and then takes his/her seat in the Legislative Assembly Chamber.

Valedictory Motion

At the conclusion of the final sitting day of the year, the Premier or Deputy Premier moves the motion - 'That the House do now adjourn'.

This is then followed by a series of valedictories led by the Premier and including the Leader of the Opposition and Members from both sides of the House.

A message of acknowledgment and thanks is extended to the Members, their staffs, the elected and non-elected officers of Parliament and to all those who provide services to the Members of the Legislative Assembly within the Parliamentary complex.

Also remembered are those Members who have passed away or are ill. All speeches are delivered with goodwill and it is probably one of the most harmonious times in the House.

The Government

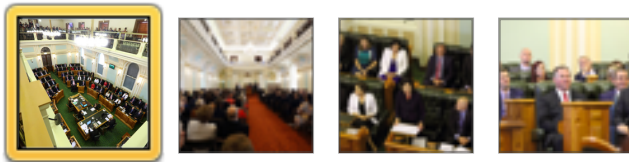
Supreme executive power is formally held by the Governor. The Governor represents the Queen, who is the constitutional head of Government. Ministers of the Crown, collectively referred to as Cabinet, effectively exercise this executive power in their roles as members of both Cabinet and the Executive Council.



Executive Government



The Legislative Assembly Chamber.



Supreme executive power is formally held by the Governor. The Governor represents the Queen, who is the constitutional head of Government. Ministers of the Crown, collectively referred to as Cabinet, effectively exercise this executive power in their roles as members of both Cabinet and the Executive Council. Essentially, Cabinet under the leadership of the Premier, is the hub of executive government. Cabinet is responsible for the development and coordination of all Government policies and administration decisions. Ministers, as members of the Executive Council, meet formally with the Governor to advise the Governor on Government business and to legitimate Cabinet decisions.

The strong discipline within political parties today ensures that executive government holds and wields enormous power. Therefore, Parliament seeks to exercise an influence over the executive through effective parliamentary systems of scrutiny and accountability.

Parliament provides the forum for the Government to inform the House of its intentions and defend its actions and for the Opposition to question, criticise, seek further information and challenge Government policy and administration.

By the observance of traditional parliamentary practices and procedures, all Members of Parliament are given the opportunity to participate in the daily parliamentary proceedings, whether it be to ask or respond to questions in the House, deliver speeches during the course of legislative debate, speak on matters of a personal concern or be a member of a parliamentary committee.

Responsible Government

Responsible government is a system of government whereby, theoretically, all levels of authority should be accountable to the people.

The Queensland Constitution details many of the rules relating to the operation of our Parliament based on the Westminster system of government. Accordingly, there are also many unwritten rules or conventions which determine the actions and responsibilities of parliamentary Members.

The Westminster model of responsible government rests on three fundamental conventions :

- that although the Governor is given great formal powers in the Constitution, he/she acts on the advice of the Executive Council, which is led by the Premier;
- that the Government must have the support of the majority in the Legislative Assembly and therefore be held collectively responsible directly to the Parliament and indirectly to the electorate; *and*
- that Ministers are individually responsible and accountable to Parliament for their own actions and for the administration of their respective Government Departments.

Essentially, these conventions place great emphasis on the role of Parliament and its ability to ensure the accountability of the Government. As party discipline has strengthened, Parliament's powers may be challenged. Some would suggest that there is a widening gap between the theoretical concept of responsible government and the realities of the twenty-first century parliaments.

Governor-in-Council and Executive Council in Queensland

The term 'Governor-in-Council' means 'the Governor acting with the advice of the Executive Council'. The combination of the Governor and the Executive Councillors gives legal authority to actions to be taken or actions or decisions made under Acts of Parliament or the Constitution itself.

The Governor-in-Council exists primarily to put into official form decisions that have been made elsewhere. It is a body which gives formal advice to the Governor by way of seeking approval of a written submission.

The Executive Council exists to advise the Governor on the exercise of the powers of the Governor-in-Council. In Queensland, the Executive Council is established by [Section 48 of the Constitution of Queensland 2001](#). The term 'Governor-in-Council' is defined as meaning 'the

Governor acting with the advice of the Executive Council' by virtue of [Section 27 of the Constitution of Queensland 2001](#).

Various Acts specify that certain administrative actions, such as appointments, making regulations and by-laws, and approving financial deeds of agreement, can only be carried out by the Governor-in-Council.

The Governor-in-Council, unlike Cabinet, does not deliberate over issues of Government policy; rather, it gives formal, legal effect to the decisions of Cabinet or individual Ministers.

Decisions of the Governor-in-Council are reviewable by the courts.

Membership

In Queensland, it is customary for Executive Councillors to be the same persons who comprise the Ministry and Cabinet; however, it requires a quorum of only the Governor and two Ministers for a meeting.

The Governor is not a member of the Executive Council but summons meetings on his/her authority and presides at all meetings of the Council unless otherwise prevented from doing so.

Matters considered by the Governor-in-Council ¹⁰

The following is a non-exhaustive list of matters which require consideration and approval by the Governor-in-Council:

Matters which require consideration and approval by the Governor-in-Council include:

- issuing of Commissions;
- certain appointments including Judges, Magistrates, Chief Executives and Senior Executive Service officers, members of some boards and statutory bodies, and Justices of the Peace;
- expenditure over the limits prescribed from time to time;
- the fixing of numbers and levels of Senior Executives to be employed in a Department under the Public Service Act 1996;
- Proclamations setting dates for the commencement of legislation;

10. [Matters for Consideration](http://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/exec-council-handbook/matters/consideration.aspx) (<http://www.premiers.qld.gov.au/publications/categories/policies-and-codes/handbooks/exec-council-handbook/matters/consideration.aspx>)

- Orders in Council relating to borrowings by local governments, statutory bodies; exemptions from stamp duties; town plans;
- boundaries of local governments; acquisition of land; and declaration of National Parks;
- notices for the resumption of land and easements;
- Administrative Arrangements;
- new and amending subordinate legislation to be made or approved by the Governor-in-Council;
- loan guarantees; and
- unforeseen expenditure.

A large proportion of the legislation enacted by the Queensland Parliament has delegated power to the Governor-in-Council which is the principal subordinate legislation instrumentality in the State.

Recommendations for approval are submitted to the Governor-in-Council in the form of Executive Council Minutes which include an explanatory memorandum outlining the background and purpose and consequence of the proposed action.

Queensland Governor-in-Council approval process

There are two parts to the approval process:

- submission of the Minutes to the Executive Councillors at Cabinet; and
- submission of the Minutes to the Governor-in-Council.

Submission to Executive Councillors

The first part of the approval process involves the submission of Executive Council Minutes to Executive Councillors (ie. Ministers) for consideration.

Executive Council Minutes are lodged with the Executive Council Secretariat in the Department of the Premier and Cabinet by 10.00am each Tuesday. These Minutes will be considered by the Governor-in-Council at a meeting held on the Thursday of the following week.

Following receipt of Minutes each Tuesday, the Executive Council Secretariat prepares a proposed Schedule of Minutes for consideration by Executive Councillors. Having scrutinised the Minutes for legislative compliance and consistency with Government Policy and settled upon the contents of the Schedule, copies are provided to the Cabinet Secretariat on the Friday prior to the Cabinet meeting (the week prior to the meeting), and these are distributed to

each Executive Councillor and each departmental Chief Executive Officer on the same day. No Minutes can be added to the Schedule once it is distributed with the Cabinet bag.

If Executive Councillors agree that the matters incorporated in the Schedule should proceed to the Governor-in-Council, the original Schedule (which is endorsed 'Executive Councillors recommend to Her Excellency the Governor that the Minutes detailed in the accompanying Schedule be approved') is initialled by each Executive Councillor at the regular Cabinet meeting (usually on the following Monday).

Submission to the Governor-in-Council

The second part of the approval process is the submission of the Minutes to the Governor-in-Council for approval. Meetings of the Executive Council are summoned by the Clerk of the Executive Council under the authority of the Governor and in the normal cycle are held on the Thursday following the Cabinet meeting.

Upon the return of the Minutes from Cabinet they are processed (numbered, dated and stamped) and delivered to the Governor on the Wednesday afternoon to allow the Governor time to peruse each Minute in detail.

The meeting is held each Thursday in the ordinary cycle. In compliance with quorum requirements, at least two Executive Councillors, exclusive of the Governor are present and assisting throughout the whole of the meeting. The Clerk of the Executive Council also attends. Each Minute is then signed by the Governor at the meeting. Special meetings are held from time to time to deal with urgent matters.

Governor's function

The Governor cannot reject advice outright but seeks to ensure that advice is well founded, carefully considered and consistent with stable government. The Governor can perform this role by:

- asking questions;
- seeking full information; or
- calling for additional advice on any doubtful issue.

Review 10.1 The Government**QUESTION 1 OF 10**

Supreme executive power is formally held by:

- ☒ **A.** The Premier
- ☐ **B.** The Parliament
- ☐ **C.** The People
- ☐ **D.** The Governor



Check Answer



Cabinet

Within the sanctum of the royal suite or cabinet (using the French term), early British Sovereigns would meet with their select group of royal advisers, who became known as Ministers (the Latin word for 'servant' or 'helper'). As Parliament gradually asserted its authority, almost all executive powers were passed from the Sovereign to the elected representatives of Parliament.



Cabinet



Within the sanctum of the royal suite or cabinet (using the French term), early British Sovereigns would meet with their select group of royal advisers, who became known as Ministers (the Latin word for 'servant' or 'helper'). As Parliament gradually asserted its authority, almost all executive powers were passed from the Sovereign to the elected representatives of Parliament.

In 1859, Queensland was granted responsible government modelled on the British Westminster system. The Legislative Assembly resembled the House of Commons and provided the elected representatives of Parliament and the seat of executive power, namely Cabinet.

As a result of the passing of the [Constitution of Queensland 2001](#), Cabinet is now recognised constitutionally. Also, executive power is given to the Governor advised by the Executive Council, whose members are all Ministers of the Crown and therefore members of Cabinet.

Cabinet comprises the Premier, who is the Chief Minister and all other Ministers of the Crown. The [Constitution of Queensland 2001](#) provides for a maximum of 19 Ministers, including the Premier. Currently, the Queensland Cabinet consists of the Premier and 18 other Ministers. The Premier or Deputy Premier chairs the weekly meetings of Cabinet and sets the agenda.

The Role of Cabinet

Cabinet is the very centre of political power. It is the supreme decision making body in matters such as initiating or refining new Government policies, making senior appointments, approving Government expenditure and assenting to important contracts.

It is essential that the Cabinet processes are designed to implement the processes of consultation and that all Cabinet deliberations are conducted in a confidential environment. The processes also allow for a detailed examination of all submissions placed by Ministers before Cabinet. When appropriate, the Premier may establish Cabinet committees for closer examination of a specific matter.

Cabinet collectively and Ministers individually must be responsible to the Crown, the Parliament and to the electorate for their decisions and actions.

A Cabinet Secretariat located within the Office of the Premier is staffed by senior public servants, from whom total confidentiality is required as they perform their duties, which include providing procedural and operational services for the Cabinet and Cabinet Committees.

Collective responsibility

Cabinet is central to the operation of government. By convention, two fundamental principles of the Westminster system are observed in its operation - individual ministerial responsibility and collective ministerial responsibility.

Collective responsibility means that all Ministers are bound by the collective decisions made by Cabinet. Accordingly Ministers act with and on behalf of their Cabinet colleagues. Ministers must seek Cabinet approval for all their proposals before making any public announcements.

Disapproval of any Cabinet decisions may only be voiced within Cabinet. Public disapproval aired by a Minister would compel a Minister to resign or be asked to resign by his or her leader.

Such practices reinforce Cabinet solidarity and also recognise the power and authority of Cabinet before that of any individual member of Cabinet.

It is also important that the powerful decision-making body of Government displays a united front for political reasons. Such solidarity of Cabinet portrays a sense of strength and stability of the Government to the electorate.

Cabinet is collectively responsible to the Crown, the Parliament and to the electorate.

Cabinet Committees

The Premier or the Cabinet has the authority to establish Cabinet committees to deal with on-going whole of Government issues and cross-portfolio issues of a more temporary nature. Hence the two types of committees that may be established are Standing Committees such as the Cabinet Budget Review Committee and Special Purpose Committees, such as the Disaster Recovery Cabinet Committee.

These Cabinet committees:

- have only Ministers as members;
- are given an official title;
- have terms of reference;
- may invite officials in an advisory role to attend meetings;
- keep records of all meetings;
- have all records and minutes of proceedings protected by Cabinet document confidentiality; and
- are supported by the Cabinet Secretariat in operational services.

Ministerial responsibility

Ministers of the Crown are appointed by the Governor on the advice of the Premier. Their role is influenced by the rules, conventions and expectations of the Westminster system of government. One of the fundamental concepts of responsible government is ministerial responsibility.

Not only are Ministers responsible for their own individual conduct but as Ministers of the Crown they are responsible to Parliament for the actions of their respective Government Departments.

Ministers direct the implementation of Government policy and carry out the tasks of Government administration through their Departments. They are responsible to Parliament, Cabinet, the electorate and their political party for the conduct of their ministerial affairs.

As a member of Cabinet, the decision-making body of Government policy, Ministers act with and on behalf of their Cabinet colleagues. They must publicly support all Cabinet decisions to portray Cabinet strength and unity. Collectively, Ministers are responsible to Parliament. If a vote of No Confidence in the Government is lost in the House, all Ministers should resign.

The Role of the Premier

Following a general election, the Premier, who is the elected leader of the party or coalition of parties holding a majority in the Legislative Assembly is commissioned by the Governor to form a government.

As a result of the [Constitution of Queensland 2001](#), the position of the Premier is now recognised constitutionally. Also, it is mentioned in Statutes and Parliamentary Standing Orders. The Premier's power and authority largely depend on his/her relationship with parliamentary colleagues, with his/her political party and the electorate in general.

The role of the Premier includes:

Robert George Herbert



First Premier of Queensland from 10 December 1859 to 1 February 1866.

- leading the Government and being the most dominant political figure in the State;
- being the main channel of communication between:
 - the Governor and Cabinet;
 - the Queensland Government and other Australian State and Territory Governments; and
- the Queensland Government and the Commonwealth Government and overseas Governments.
- providing advice to Her Majesty The Queen on the exercise of Her Majesty's powers and functions in respect of the State of Queensland e.g., the appointment and termination of appointment of the Governor;
- choosing Ministers and allocating portfolios as in a Liberal National Party government, or allocating portfolios to Ministers who are chosen by Caucus as in a Labor Government;
- determining the Administrative Arrangements setting out the principal Ministerial responsibilities of Ministers and the Acts which they administer;
- being the Chief Minister, Chair of Cabinet and having the authority to form Cabinet Committees;
- authorising the absences of Ministers from the State for up to 14 days;

- authorising a Minister to perform the duties and functions of another Minister;
- having the authority to determine when an election is to be called;
- ensuring that there is adherence to the caretaker conventions and practices after a general election has been announced; and
- representing his/her electorate.

The Role of a Minister

The term 'Minister' is Latin for 'servant' or 'helper'. These 'Ministers' were originally royal servants, who were chosen to be royal advisers to the English Sovereigns. They met with the Sovereign in his royal apartment or 'cabinet' and became known as the Cabinet Council or simply Cabinet. As the power of Parliament grew, so too did the power of Cabinet. Cabinet's power became dependent on the support of the majority of Members of Parliament rather than the support of the Sovereign.

Today in our system of parliamentary democracy, Cabinet Ministers led by the Premier are responsible for the development and co-ordination of the policies of the Government. Selection methods for Ministry positions vary according to the political parties.

Under a Liberal National Party Government, the Premier selects his/her Ministry and allocates portfolios. The practice of the Australian Labor Party is for Caucus, which is a meeting of all the members of their parliamentary party, to duly elect a Ministry by ballot. The Premier then allocates portfolios.

All Ministers are members of Cabinet, which is responsible for the development and co-ordination of the policies of the Government. By convention, all Ministers are also members of the Executive Council, which is presided over by the Governor. The Executive Council legitimates decisions made by Cabinet.

The role of a Minister includes:

- being collectively responsible as a member of Cabinet, for the policy decisions of the Government;
- being individually responsible to Parliament for their own actions and that of their respective Government Departments;
- being a spokesperson for their Government;
- initiating legislation with the assistance of a Ministerial Policy Committee and introducing legislation in Parliament;

- playing a dominant role in parliamentary debates;
- serving on Cabinet committees;
- reporting to their parliamentary party; and
- representing the people of their electorate.

Assistant Ministers

The [Constitution of Queensland 2001](#) provides for Members of the Legislative Assembly to be appointed as Assistant Ministers. Under the Queensland Constitution there is no limit to the number of Assistant Ministers that may be appointed at any given time. However, Ministers or Members of Executive Council may not be appointed as Assistant Ministers.

Review 11.1 Cabinet

QUESTION 1 OF 4

Cabinet is collectively responsible to

- ☐ **A.** The Crown
- ☐ **B.** The Parliament
- ☐ **C.** The Electorate
- ☒ **D.** All of the above



Check Answer



The Opposition

The Opposition constitutes the second largest political party or coalition of parties in the Legislative Assembly. The importance of the Opposition in the system of parliamentary government has long been recognised in the procedures of Parliament.



The Opposition in Parliament

Thomas Glassey



*First Official Leader of the Opposition
Queensland Legislative Assembly from
30 August 1898 to 12 May 1899*

The Opposition constitutes the second largest political party or coalition of parties in the Legislative Assembly. The importance of the Opposition in the system of parliamentary government has long been recognised in the procedures of Parliament.

The Role of the Opposition

The Opposition enjoys privileges and duties well established by tradition. The floor of the House provides the Opposition with a key area in which to perform its role - that is, to scrutinise, appraise and criticise effectively the policies and administration of the Government. Such opportunities, for example, are provided in Question Time, the Address-in-Reply debate, Budget debates, legislative debates and No Confidence Motions. Members of the Opposition also serve as members of parliamentary committees.

Today the Opposition also makes much greater use of the media to reach the electorate with its views and to establish an identity as an alternative government.

The role of an Opposition can be difficult when taking into account their numbers, availability of resources and the limited opportunities to gain the attention of the electorate. At the same time, it is a most important role and the effectiveness of Parliament largely depends on the strength of the Opposition.

The Role of the Leader of the Opposition

The development of the Westminster system saw the formation of a Government and an Opposition. The expression 'Leader of the Opposition' was first used in Britain in 1826. In 1909, David Bowman, Leader of the Australian Labor Party in the Queensland Parliament, was the first recipient of a pay accorded to the position of Opposition Leader. The pay was a princely ten pounds a week.

Although not constitutionally recognised, the Opposition Leader is provided with a special salary, entitlements and facilities.

The Leader of the Opposition:

- is elected by Members of Parliament in Opposition, as their leader and spokesperson;
- has a responsibility to make the Government accountable and present the views of an alternative government;
- plays a leading role for the Opposition in parliamentary and policy debate;
- chairs the meetings of Shadow Cabinet;
- ensures that the time spent in Opposition is used efficiently as a 'preparation for government' time;
- serves as an alternative Premier;

- utilises the expertise in the community as an information and advisory source due to the limitations of staffing and resources of an Opposition; and
- represents his/her electorate.

The Role of a Shadow Minister

Since the strength of modern party discipline makes the scrutiny of the Government rest largely with the Opposition, the Opposition Spokespersons or Shadow Ministers have an enormous responsibility to deliver to the electorate.

The Opposition appoints Shadow Ministers to follow closely the areas of responsibility and activities of the Government Ministers. These Shadow Ministers collectively form a Shadow Cabinet. Each Shadow Minister's responsibility is to scrutinise Government policy in their respective portfolios and to outline alternative policies.

Their role includes:

- a need to have a high degree of expertise in all areas of their portfolio;
- being a capable debater in Parliament and having a high profile in Question Time;
- serving assiduously on parliamentary committees;

- establishing a high profile in the electorate to be seen as an alternative to the Government;
- taking their legitimate criticisms to the electorate, with the aim that the Government policy may be changed due to the pressure of public opinion; and
- representing their electorate.

The Role of the Public Service

Government Departments are usually organised on a functional basis, for example health, education, transport or the environment. The departments are staffed by public servants whose role is to provide the administrative machinery which puts the decisions of the elected government into effect.



The Role of the Public Service



Public sector officers at a parliamentary committee.

Under the Westminster system of government, the people of Queensland elect men and women to represent them in Parliament. The party or coalition of parties which has the majority in the Parliament forms the Government and from these representatives the Ministry or Cabinet is chosen. In Queensland, the Premier who is the Chief Minister, and up to 18 other Ministers comprise the Ministry.

Each Minister, who in some cases is assisted by an Assistant Minister, is responsible to Parliament for the operations and activities of a Government Department. Government Departments are usually organised on a functional basis, for example health, education, transport or the environment. The departments are staffed by public servants whose role is to provide the administrative machinery which puts the decisions of the elected government into effect.

As the workings of government have increased in complexity, greater responsibility is placed on public servants to provide their respective Ministers and ultimately Cabinet with expert advice concerning policy options and alternative programs. Public servants are also involved in preparing and advising on proposed legislation and, where required, to provide briefings on policy matters for their Ministers when such information is needed in Parliament.

In accordance with Westminster principles, it is therefore necessary that a position of political neutrality is upheld by the public service as they perform their duties for the Government of the day.

As the machinery of government continues to increase in complexity so too does the demand from the public for greater accountability of governments and their bureaucracy.

The Role of a Director-General

The role of a Director-General, who is the Chief Executive Officer of a Government Department, is to provide effective leadership of the department and be responsible for the overall management of his/her Department. Their responsibilities include:

- providing the Minister with expert advice on policies and legislation;
- ensuring that the Department's management and budgetary operations are consistent with best workplace practices, Government policies and legislative requirements;
- liaising and negotiating with other Government Departments and agencies, with the Commonwealth, other State and interest groups regarding matters relevant to the portfolio; *and*
- ensuring the effective and efficient delivery of Government services is provided throughout Queensland.

Queensland State Government Departments

The administrative machinery of State Government is comprised of Government Departments, organised usually on a functional basis and a range of statutory bodies dealing with specific administrative matters. Departments are responsible directly to their respective Minister. Unless stated otherwise in legislation, statutory authorities report to Parliament via the appropriate Minister. For example, the Electoral Commission of Queensland reports through the Attorney-General.

All Government Departments administer Acts of Parliament, which give more specific powers to the Minister. The number of Acts is constantly changing by the very nature of Government today and the increasingly complex role it plays.

Changes within a Ministry, the emergence of a need to significantly prioritise Government policy in a certain direction or the election of a new Government can result in the creation of new Departments, amalgamations of existing Departments and even the implementation of new titles for existing Departments to reflect the altered state of affairs.

Included also in the portfolio responsibilities of a Minister are an array of statutory bodies, which are established under their own separate

legislation and are responsible for specific aspects of Government administration. These include tribunals, trusts, committees, boards, councils, corporations, authorities and commissions. All statutory bodies report through the responsible Minister on their operations.

Unless stated otherwise, all statutory bodies report through the responsible Minister on their operations.

See the complete list of Government Departments on the [Premier and Cabinet website](#).

Review 13.1 The Role of the Public Service

The Chief Executive Officer of a Queensland State Government Department is generally referred to as

- ☐ **A.** Secretary-General
- ☒ **B.** Director-General
- ☐ **C.** Managing Director
- ☐ **D.** The Registrar

Check Answer

Act

An Act of Parliament is a law passed by the Legislative Assembly and assented to by the Governor.

Related Glossary Terms

Bill

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Find Term

Adjournment Debate

On each sitting, when the Question, ‘That this House do now adjourn,’ is proposed by the Leader of Government Business or a Minister at the conclusion of the day's sitting, a 30 minute debate ensues in which Members from all sides of the House may each speak for on any matter of their choice for up to three minutes.

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Appropriation Bill

An appropriation is a bill which, when passed by Parliament, will allow the government to spend money it has gathered from the community through taxes and charges.

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Assent

See Royal Assent

Related Glossary Terms

Royal Assent

Index

Backbencher

A member of Parliament who is not a minister, shadow minister or presiding officer

Related Glossary Terms

Minister, Presiding Officer, Shadow Minister

Index

Find Term

Bicameral

A parliament consisting of two chambers.

Related Glossary Terms

Legislative Assembly, Legislative Council

Index

Find Term

Bill

A bill is a proposal for a law, either a new law or to change to an existing law, placed before the Parliament for its consideration.

Related Glossary Terms

Act

Index

Cabinet

Cabinet comprises the Premier, who is the Chief Minister and all other Ministers of the Crown. The Constitution of Queensland Act 2001 provides for a maximum of 19 Ministers, including the Premier.

Related Glossary Terms

Minister

Index

Find Term

Censure Motion

A censure motion is a motion moved in the house which is very critical of, and which seeks to attach blame to, a minister, another member, or the government.

Related Glossary Terms

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Find Term

Clause

A clause is a numbered provision in a bill. Once a bill becomes an Act, a clause is known as a section.

Related Glossary Terms

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Clerk of the Parliament

The Clerk of the Parliament is the senior permanent official of a house of a Parliament who advises on procedure and records the decisions of the House, and is the Chief Executive Officer of the Parliamentary Service.

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Closure or ‘Gag’

A closure is a parliamentary procedure used to bring about an abrupt end to a debate. The introduction of such a procedure was to assist in the effective management of parliamentary business by speeding up the passage of legislation when required.

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Coalition

A coalition is the joining together of two or more groups or parties, usually to form a government or opposition.

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Committee of the Legislative Assembly

The Committee of the Legislative Assembly is a Queensland parliamentary committee and has the following areas of responsibility: (a) the ethical conduct of members; (b) parliamentary powers, rights and immunities; (c) standing rules and orders about the conduct of business by, and the practices and the procedures of, the Assembly and its committees; (d) any other matters for which the committee is given. Its membership includes the Speaker (Chair), the Premier (or nominee), the Leader of the Opposition (or nominee), the Deputy Premier, the Deputy Leader of the Opposition, the Leader of Government Business, the Leader of Opposition Business.

Related Glossary Terms

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Find Term

Condolence Motion

In order to express the condolences of Parliament in the event of the death of a sitting Member or former Member of the Parliament, or an event which involves a major tragedy, such as the Queensland Floods in 2011 or the Port Arthur massacre in 1996, a Condolence Motion is moved in the House.

Members are then provided with the opportunity to express on behalf of themselves, their political party or their electorate, messages of sympathy to the bereaved families. Family members may be present in the Public Gallery to hear these messages.

Related Glossary Terms

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Find Term

Conscience vote

A conscience vote is a vote in Parliament in which members are free to vote according to their own judgment or belief, and not necessarily according to the guidelines, policies or decisions of their political party.

Related Glossary Terms

Cross the floor, Division

Index

Find Term

Consideration in Detail

Consideration in detail is one of the steps of the legislative process. Bills are examined clause by clause. During this stage amendments may be proposed to individual clauses of the bill.

Related Glossary Terms

Bill

Index

Find Term

Constitution

A constitution is a set of principles by which a country or state is governed. Queensland’s Constitution is now consolidated in the Constitution of Queensland Act 2001 and its attachments. Those attachments set out the sections unable to be consolidated: the Constitution Act 1867and the Constitution Act Amendment Acts 1890 and 1934.

Related Glossary Terms

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Index

Cross the floor

To vote during a division in the Parliament - in a vote other than a conscience vote – with a party other than that for which a member was elected.

Related Glossary Terms

Conscience vote, Division

Index

Find Term

Crossbench

One of a set of seats for members of Parliament who belong to neither the government nor the opposition parties; seats for minor parties and independents.

Related Glossary Terms

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Index

Dissent Motion

A motion of dissent may be moved against the rulings of the Speaker by the Opposition. Dissent from the rulings of the Speaker:

- must be by motion on notice;
- notice of such a motion must be given within three sitting days of when the ruling occurred;
- the motion shall be considered within three sitting days of that on which the notice on motion was given.

Related Glossary Terms

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Index

Find Term

Division

A division is the separation of the members of a House of Parliament into two groups, for and against a proposal, so that their votes can be counted.

Related Glossary Terms

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Executive

The Executive is the branch of government which carries out or administers the laws. In Queensland, the Executive consists of the Premier and up to 18 other Ministers (the Cabinet) and the Queen, represented by the Governor.

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Executive Council

The Executive Council advise the Governor on the exercise of the powers of the Governor-in-Council. In Queensland, Members who comprise the Ministry and the Executive Council are the same persons.

Related Glossary Terms

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Index

Filibuster

To filibuster is to use long speeches or other tactics in Parliament to deliberately delay a vote or decision.

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Find Term

First Reading

After a bill has been introduced in the Parliament, the Clerk reads the short title of the bill for the first time.

Related Glossary Terms

Bill

Index

Frontbencher

A frontbencher is a member of Parliament who is a minister or shadow minister.

Related Glossary Terms

Minister, Shadow Minister

Index

Find Term

Governor

The Governor is the Monarch’s representative in a State, appointed by the Monarch on the advice of the Premier.

Related Glossary Terms

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Index

Governor in Council

The Governor acting with the advice of Executive Council to give legal authority to actions or decisions of the Executive made under Acts of Parliament or the Constitution itself.

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Guillotine

The guillotine is a parliamentary procedure by which a time limit is applied to the debate at the various stages of the passing of a bill. Each Government and Opposition speaker is restricted to a set time limit in which to speak.

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Independent

An independent is a member of Parliament who does not belong to a political party.

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Find Term

Leader of Government Business

The Leader of Government Business is a Member of Parliament, chosen by the Government, who arranges and manages Government business in the Legislative Assembly. The Leader of Government Business is a member of the Committee of the Legislative Assembly.

Related Glossary Terms

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Find Term

Leader of Opposition Business

The Leader of Opposition Business is a Member of Parliament, chosen by the Opposition, who arranges and manages Opposition business in the Legislative Assembly. The Leader of Opposition Business is a member of the Committee of the Legislative Assembly.

Related Glossary Terms

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Legislative Assembly

In Australian State Parliaments, the Legislative Assembly is the Lower House. In Queensland, the Legislative Assembly consists of 89 Members of Parliament representing 89 electorates. In Queensland, this is the only House of Parliament.

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Legislative Council

In Australian State Parliaments, the Legislative Council is the Upper House. In Queensland, the Legislative Council was abolished in March 1922.

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Mace

Once a weapon of war shaped like a club, and the symbol of royal authority, but now the symbol of authority of Parliament and its Speaker.

Related Glossary Terms

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Find Term

Matters of Public Interest

During the Matters of Public Interest debate, Members speak on an issue of public interest. This provides an opportunity for backbenchers in particular, to raise public awareness on certain matters.

Related Glossary Terms

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Find Term

Members’ Statements

Members’ Statements is a time during a sitting week in which Members may make statements to the House on any topic of concern. The Speaker calls on Members alternating between Government and Opposition members with usually the Leader of the Opposition given the first opportunity to speak. Each speaker is given a time limit.

Related Glossary Terms

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Minister

Ministers are Members of Parliament and are also members of Cabinet. By convention, all Ministers are also members of the Executive Council. Ministers are responsible for a portfolio, e.g. health, education etc. The Queensland Constitution Act 2001 allows for 19 Ministers.

Related Glossary Terms

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Index

Ministerial Statement

Ministerial Statements are announcements made by Ministers with the approval of Cabinet, concerning policies and decisions relating to their respective portfolios.

Related Glossary Terms

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Index

Motion

A motion is a proposal for action put forward in the Parliament, for consideration, debate and decision.

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No-confidence motion

A means by which a house expresses dissatisfaction with the performance of a government or a minister.

Related Glossary Terms

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Find Term

Opening of Parliament

Following a State election, the political party or coalition of parties which holds the majority of seats in the Legislative Assembly is asked to form a Government. Members of Parliament assemble in the Legislative Council Chamber for the opening of Parliament by the Governor.

Related Glossary Terms

Governor

Index

Find Term

Pairs

Although not recognised in Standing Rules and Orders, the pairs system is an established part of parliamentary procedure.

When a Member of Parliament is absent from Parliament for any number of reasons, an arrangement is made between the Government and Opposition Whips for a Member of the opposing side to abstain from voting. This means the voting strengths on both sides remain unaffected.

Related Glossary Terms

Division

Index

Find Term

Personal Explanations

This parliamentary practice gives Members of Parliament the opportunity to address the House to explain matters that are of a personal nature. These matters may not concern the Member's party or in the case of a Minister, his/her Government Department.

Related Glossary Terms

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Find Term

Petitions

A petition is a formal document expressing a particular grievance by a person or persons, which is presented to the Parliament through a Member of Parliament. It includes a request for Parliament to act upon the petition.

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Presiding Officer

A presiding officer is a Member of Parliament elected by the Parliament to be in charge of the proceedings in the Parliament. In Queensland, the Speaker is the Chief presiding officer and is assisted by Deputy Speakers.

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Prorogue

Prorogation is the formal ending of a session without dissolving the Parliament. When Parliament is prorogued, it is still constituted that is, all members remain as members and a general election is not necessary.

Related Glossary Terms

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Royal Assent

Following the passage of legislation through the Legislative Assembly, two parchment copies of a bill are signed by the Governor on behalf of the Queen.

Related Glossary Terms

Bill, Governor, Legislative Assembly

Index

Second reading

After the second reading debate and after agreement is reached that the bill be given a second reading, the Clerk again reads the short title.

Related Glossary Terms

Bill

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Find Term

Sessional Orders

Sessional Orders detail the order of business for each sitting day and speaking times.

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Shadow Minister

Shadow Ministers are Members of Parliament appointed by their party to follow closely the areas of responsibility and activities of the Government Ministers. These Shadow Ministers collectively form a Shadow Cabinet. Each Shadow Minister’s responsibility is to scrutinise Government policy in their respective portfolios and to outline alternative policies.

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Sitting

A sitting day is a day when Parliament meets to deal with its business. It commences when the Speaker takes the Chair and opens with prayers. It closes when the House is adjourned. The sitting may be temporarily suspended for meal breaks.

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Speaker

The Speaker is the representative of the Legislative Assembly, presiding over its sittings and is also in control of conduct of persons on the parliamentary precinct. The Speaker is also the Chair of the Committee of the Legislative Assembly.

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Speaker's Election

Following the swearing-in of Members in the Legislative Assembly, the longest serving Member of the House (not being a Minister) presides over the House for the purpose of the election of a Speaker. The Speaker is elected by secret ballot.

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Standing Orders

Standing Orders are the rules that govern the conduct of business and proceedings in the House.

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Teller

A teller is a member, usually a whip, who is chosen to count the members voting either for the ayes or the noes in a division.

Related Glossary Terms

Division, Whip

Index

Third Reading

This is the final stage in the Legislative Process. The Minister in charge of the bill moves the motion for the “third reading”. This is the last opportunity for the Parliament to consider the bill. The Clerk reads the short title of the bill a third and last time after the third reading motion has been agreed to.

Related Glossary Terms

Bill

Index

Unicameral

A parliament consisting of one chamber.

Related Glossary Terms

Legislative Assembly, Legislative Council

Index

Find Term

Valedictory Motion

At the conclusion of the final sitting day of the year, the Premier or Deputy Premier moves the motion - ‘That this House do now adjourn’.

This is then followed by a series of valedictory speeches led by the Premier and including the Leader of the Opposition and Members from both sides of the House.

A message of acknowledgment and thanks is extended to the Members, their staff, the elected and non-elected officers of Parliament and to all those who provide services to the Members of the Legislative Assembly within the Parliamentary complex.

Related Glossary Terms

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Find Term

Whip

A whip is a party manager in Parliament who is responsible for organising members of his or her party to take part in debates and votes, and who assists in arranging the business of a house of Parliament.

Related Glossary Terms

Division, Teller

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Find Term